“Bomb and Burn ‘Em till They Quit”:
The Line Between Unjustifiable Civilian Deaths and
Military Necessity During the Incendiary Bombing of
Japan, 1945

by

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On the night of March 9-10, 1945, General Curtis LeMay, Commander of XXI Bomber Command in the Mariana Islands in the Pacific, directed his first incendiary bombing attack against Tokyo, the Japanese capital. At this point, the Americans had been involved in World War II, a global conflict of such a large scale it escalated into “total war,” involving soldiers and civilians alike, for over three years. Though the Allied powers, united against the Axis, Germany, Italy, and Japan, would claim victory in the European war shortly, the end of the war in the Pacific against Japan was nowhere in sight. This raid would be the first of over sixty attacks of the kind against Japanese cities between March and August 1945, when the Japanese would surrender, and World War II would officially conclude. However, in March, the Allies had no way to predict that the war would be over in the next year.

Throughout the war, LeMay had been a rising star through the ranks of the United States Army Air Force (AAF). He impressed his superiors in the Eighth Air Force during his time in Europe; and he earned his position commanding XXI Bomber Command in 1945, after demonstrating he was a sharp, ruthless, man of action who could quickly assess and solve problems during his time commanding XX Bomber Command based in India. The campaign he planned between the spring and summer of 1945, using incendiary bombs, or “firebombs,” explosives that use napalm to ignite on impact and burn their targets, was yet another instance he was verifiably one of the AAF’s foremost strategists.
Swiftly, he impressed his fellow air commanders in 1945 by demonstrating the power of strategic bombing — still a relatively young form of warfare — to the world; this feat would help make the case for an independent air force after the war. He also impressed his colleagues, as well as the military at large, because LeMay’s forces decimated Japanese cities to such a degree that, if the Allies proceeded with a land invasion of Japan in November 1945, as was planned at the time, the impact on American life would be substantially less disastrous than predicted — if the land invasion would be necessary at all after this campaign. Throughout these missions, American bomber losses eliminated record high numbers of targets, and achieved record low numbers of plane losses and American casualties. And, leaders in the AAF believed these bombing raids would be the final leverage required to persuade the Japanese — an enemy who appeared nearly impervious to defeat — to surrender. Indeed, the only price it seemed the Americans had to pay for this campaign were a few hundred thousand Japanese lives.

The incendiary raids against Japan were an undeniably significant piece to the end of the war in the Pacific, yet scholars have encountered trouble analyzing this event. Usually, this campaign is either treated as a historical weigh-station along the way toward the atomic bombs, or is awarded generally at most only a chapter in a larger work on the history of bombing, or the war in the Pacific during World War II. Rarely have scholars deigned to acknowledge this event’s significance independently of the rest of the war. And when scholars do discuss this event, it is with an impenetrably dialectic perspective. At one time, scholars espouse two inconclusive views: that the incendiary bombings of Japan were likely morally wrong and
gratuitous; however, they were also possibly necessary to have concluded the war with Japan. However, scholars seldom state if either of these contradictory statements has more merit than the other, or if either of these statements possess merit at all.

Scholars tread so lightly around this topic because they face competing analytical burdens. On the one hand, they must acknowledge how difficult military decision-making became in World War II, in a way that has not been experienced since. On the other, they must acknowledge the tremendous amount of Japanese civilian life lost because of American actions in the Pacific. World War II in the Pacific, from the Japanese attack on Pearl Harbor in Hawaii, December 1941, through the Japanese surrender in August 1945, came with particularly heightened tensions as a result of America’s personal stake in this theater, the geographic problems the Pacific islands posed for tactical offenses, and the fact that the Japanese continually refused to surrender, despite inevitable defeat. So, by the time of the incendiary raids, Americans were frustrated, exhausted, and anxious to conclude a war that promised to continue stealing the lives of American soldiers. This historical context makes it easy to see why American leaders began to search for more drastic methods of warfare, and invites scholars to ask: if the war in Japan was so difficult to conclude, were the incendiary bombing missions necessary to meet the objectives of the Allied powers?

Despite the realities of this historical climax, there is plenty of other historical evidence that raises ethical concerns about the firebombings in Japan. In Europe, the British Royal Air Force (RAF) actively engaged in incendiary bombing campaigns against German cities. The AAF deliberately took a backseat to these missions, and
kept busy by bombing strategic targets, while the British set the residential and cultural centers of Hamburg and Dresden, Germany, aflame. Both of these European raids resulted in a stunning number of civilian casualties, and the RAF was hard pressed to demonstrate they had aimed for legitimate military targets, as the Americans had.

The RAF fire raids in Europe were reminiscent of the ideas of an Italian air power theorist, Giulio Douhet, whose ideas influenced air commanders after World War I, though whose ideas did not seriously influence American doctrine in early World War II. Douhet believed that in order to expedite the end of a war, the best method was to directly bomb the civilian population, or “vital centers,” to strike fear into civilians’ hearts, and pressure the enemy’s administration. Given the amount of civilian life the AAF incendiary bombing raids had cost, which was around seven times greater than the largest estimate of life lost at Dresden, could Curtis LeMay have targeted “vital centers” in Japan to end the Pacific War quickly?¹

In order to resolve the tension apparent in the history of the incendiary bombing of Japan, this thesis will investigate whether or not Curtis LeMay committed a war crime against Japanese civilians. This is a suitable resolution to this historical problem, because a legal analysis requires the exposition and interpretation of historical facts in a conclusive, rather than a merely suggestive, way: this mode of analysis requires a strict framework that can positively affirm what is legal and what is not. This method leaves no room for inconclusive, zero-sum final remarks that summarize to the effect of perhaps what LeMay did was wrong because so many civilians died, but it also may have been necessary given the context of his time.

While the analysis presented by this project can certainly acknowledge that grey area exists in any discussion of history and morality, in the end Curtis LeMay will unmistakably be considered guilty or innocent.

To proceed with a legal analysis, I will construct what is, for all intents and purposes, a model trial of Curtis LeMay. To do so, the questions historians have traditionally struggled with about this topic must be answered. To answer the question of if this military action was necessary, given the pressures of the Pacific War, one requires a complete understanding of the entire war in the Pacific, and, more importantly, the history of bombing in the Pacific. This information will allow the reader to understand LeMay’s state of mind at the time of the bombing, and the reality of tactical decision making in the Pacific. To answer the second question, whether the amount of civilians killed was justifiable by military necessity, one requires a legal framework based on international law as it relates to civilian death in war. This will create a rigid set of criteria that will conclusively show if an act of war legally or illegally results in civilian deaths.

Over the course of this discussion, I will argue that Curtis LeMay should be tried for the war crime of creating unnecessary suffering for the Japanese people. I will identify unnecessary suffering as the relevant war crime to determine when civilian deaths are excessive, and when they are justified by military necessity. I will also develop hypothetical combat scenarios that demonstrate how these principles should realistically operate, so they may be compared directly to LeMay’s actions. In order to establish the facts required to demonstrate LeMay’s guilt or innocence, I will show that the war in the Pacific created specific pressures that led to a drastic
escalation in tactical methods, because American life appeared to be particularly threatened by the war with Japan by 1945.

In turn, I will argue that these pressures created an unusual political climate for AAF commanders in the Pacific that allowed these leaders to make decisions that would have been highly criticized by air commanders in Europe over the course of World War II. Next, I will demonstrate that these pressures, in combination with the AAF’s desire to demonstrate the might of strategic air power and establish an independent air force, led to LeMay’s decision to incendiary-bomb Japan. Lastly, I will confirm whether or not LeMay is a war criminal, utilizing the proposed legal framework and an evidence-based historical argument.

Chapter One will set the stage for understanding how tactical decisions were made in the Pacific by 1945. This chapter will demonstrate how the pressures of the Pacific theater specifically resulted in rising frustration among American soldiers and leaders toward the Japanese. While the AAF did not participate in most of the events in this chapter, this context is essential to understand what LeMay’s feelings were toward Japanese people, what his concerns for other Americans would have been, and how his mindset was similar or different from other American leaders at the time.

Chapter Two will discuss the history of American bombing doctrine in World War II, beginning with the doctrine’s origins after World War I, and ending with what factors allowed the doctrine Americans adopted at the beginning of World War II to evolve over the course of the war. One purpose of this chapter is to understand how the pressures of the entire Pacific War manifested for AAF commanders, and affected their decisions. This chapter will also demonstrate how the political climate at the
end of the Pacific War created an environment in which the incendiary bombing of Japan could be ordered in the first place.

Chapter Three will construct a framework to understand the legality of civilian deaths in war, in order to later draw a hard line between if LeMay’s actions were justifiable or not. This chapter will identify the appropriate law to judge if civilian deaths in war are excessive or not, and elaborate on abstract legal and philosophical concepts to produce concrete, actionable principles that relate to real-life combat situations. This chapter will be the first firm step in the trial of Curtis LeMay, because the question of what is and is not wrong in war, as it relates to civilian casualties, is central to this historical problem.

Chapter Four will be the second essential step for the trial, because it will establish the evidence that will be used to argue whether or not LeMay is guilty or innocent. This chapter will demonstrate how the decision to incendiary-bomb Japan actually arrived, and that it was made as a result of pressures on the American military as a whole, and on the AAF as an organization. This will further illuminate LeMay’s state of mind in the trial. It will also explain the actual actions taken during this campaign by which to legally judge LeMay.

Lastly, the thesis will conclude with Chapter Five, which will use the information of the preceding chapters to construct the trial of Curtis LeMay. Using the framework for the relevant war crime established in Chapter Three, and the facts of the case established in Chapter Four — as well as the relevant context and information from the beginning chapters — this chapter will confirm whether or not Curtis LeMay is guilty of a war crime against the Japanese people. This chapter will
also formally resolve the tension between the two contradictory views scholars unite to describe this historical event, in order to more satisfyingly determine if LeMay was right, wrong, justified, or unjustified in conducting the firebombing campaign against Japanese cities.
Chapter One

Under Pressure: Escalation of World War II in the Pacific, 1941 - 1945

1. Introduction: Japanese Imperial Growth

“AIR RAID, PEARL HARBOR—THIS IS NO DRILL.” The date was December 7, 1941. It was barely past 8:00 AM. Several American military planes stationed at the Pearl Harbor naval base in Hawaii were airborne, but were flying many miles away from the harbor. Anti-aircraft defenses were not on duty. On the ground, soldiers and civilians were reluctant to accept the new reality created by what would become an infamous air attack on American soil: America was at war. One lieutenant disagreed with a sergeant in the Base Ordnance Office who was reluctant to provide weaponry without an official request, arguing, “Hell, man, this is war!”

Meanwhile, flames and smoke rose from “Battleship Row” in the harbor, where many significant American ships were docked. The civilians of Honolulu barely registered anything irregular about the day: any extra noise was dismissed as a military practice maneuver. But ninety minutes after the attack began, by 9:45 AM, the battleships Arizona, Oklahoma and California were sunk; the West Virginia was sinking, and Nevada was aground. The remaining three battleships, Maryland, Tennessee, and Pennsylvania, were all damaged. The Japanese had successfully
launched a surprise attack on Pearl Harbor, and so officially began the war in the
Pacific.¹

While the attack had been a complete surprise to the Americans, the Japanese
had carefully planned the raid on Pearl Harbor. Prior to Pearl Harbor, diplomatic
tensions between the United States and Japan had been mounting in a steady
crescendo. To the Americans, these tensions appeared to be ordinary diplomatic
stresses that are wont to occur on the international stage. However, Japanese leaders
perceived this tension as an affront to their national identity, and a threat to their
national survival. The Japanese viewed the attack on Pearl Harbor as an act of policy,
in order to leverage concessions from the Americans that would help to achieve their
imperial goals.²

The root cause of the friction between the two nations was Japan’s
involvement in China. Japan had begun to confront Chinese troops in the early
1930s, and by 1937 Japanese troops were fighting on a large scale in the neighboring
country. The articulated intent of the invasion was to achieve a “new order” in East
Asia to protect Japanese lives and property, to contain the Communist threat from
Russia, and to launch a punitive mission against China, which Japanese leaders felt
had disrespected the Japanese Empire.³ Most western powers, and the United States
in particular, condemned Japanese actions in China. On October 5, 1937, in Chicago,
American President Franklin D. Roosevelt delivered a “quarantine” speech
condemning the recent aggressive actions of Germany, Italy, and Japan. The

³ Toland, The Rising Sun, 46-47.
American government’s discontent in response to the invasion of China was only the first in a series of actions the Japanese perceived as insults to their power.

A culture clash motivated the tensions between these two nations to escalate so drastically from a diplomatic disagreement to a war. The Americans failed to understand the Japanese culture — and, in fact, this failure continued through the entire war in the Pacific, although the Americans eventually learned to adapt to Japanese behavior. The first clash was at a basic behavioral level. At times this was a simple misunderstanding. Americans perceived the Japanese to possess contradictory personality traits, which the Japanese believed indicated an insightful person. In terms of diplomacy, it was difficult for Americans to interpret Japanese international policy, which described appropriate action with more ambiguity, and less priority on fundamental truths, than Western black-and-white moral principles did. Most importantly, though, the Americans did not understand the degree to which the Japanese valued strength as a cultural and national trait. The American ambassador to Japan, Joseph Grew, criticized the content of Roosevelt’s quarantine speech, believing it foolish to throw “moral thunderbolts” at a country that respected force. To the Japanese, honorable actions prioritized power over weakness, rather than considered how an action might affect other people’s rights.

The U.S. was not unaware that the Japanese valued power, however it was not clear to the Americans that this value was intertwined with the Japanese national identity. American diplomats believed they were dealing with more fascist “gangsters,” like the Nazis in Germany and Fascists in Italy, who desired to join

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4 Ibid., 56-57.
5 Ibid., 47-48.
forces and conquer the world.\textsuperscript{6} However, this interpretation of power only acknowledges the desire for physical wealth, rather than a national belief in Japan’s inherent strength and an entitlement to power. The Japanese desired power because they perceived themselves to be a “superior race,” the “world’s foremost people,” and saw Japan as the true cradle of civilization.\textsuperscript{7} This sentiment created frustration over the Americans, because by attempting to halt the invasion of Manchuria, the United States was denying the Japanese power they felt entitled to.

This nationalist idea of power had been incubating within the Japanese Empire since the 1920s. From this time, the Japanese had become increasingly assured of their national superiority and righteousness as a result of growing military power in the government. During the 1920s, a group of young nationalists became disenchanted with western imperialism and fueled by a growing patriotic fervor. These young men employed themselves in military careers to express their cultural discontent, rather than by participating in community activism such as union organizing or political advocacy, which were common modes young people used to express political discontent in other countries.\textsuperscript{8} In this way, physical strength as a personal and national characteristic gained priority among the population.

As militarism became more popular within the nation, Japanese imperialistic tendencies also grew. Japan wished to be recognized as a full-fledged member of the imperialist community, alongside the wealthy Western powers.\textsuperscript{9} Shortly before Pearl Harbor, Prime Minister of Japan, Fumimaro Konoye allowed the militarists in his

\textsuperscript{6} Ibid., 64.
\textsuperscript{7} Hastings, \textit{Retribution}, 37.
\textsuperscript{8} Toland, \textit{The Rising Sun}, 5-6.
\textsuperscript{9} Ibid., 7.
cabinet to gain control over his decisions, despite his skepticism of many of their views. The irony is that Konoye had succeeded a prime minister who became subservient to military leaders because he pleased both military members and civilians.\(^\text{10}\) To the militarists in the 1930s, there was no choice but to consolidate Manchuria, in China, to act as a buffer against communist threats from China and Russia.\(^\text{11}\) After the initial stages of Japanese imperialism, the militarists began to lay the groundwork for further expansion. As the invasion of China continued, the army proposed laws to allow it to operate autonomously and direct the national economy toward a war economy under the guise of national security.\(^\text{12}\)

The Japanese believed that the Americans were hoarding power. In an ordinary sense, the Japanese popular imagination interpreted the Americans’ apparent lust for power as everyday greed. Japanese culture imagined that a typical American’s day included the pursuit of wealth and luxury, and was riddled with seedy activities, such as assassinations and bribery.\(^\text{13}\) In a political sense, many Japanese leaders believed that the Anglo-Saxons were set on permanently rendering Japan a third-rate nation.\(^\text{14}\) This perception arose because there appeared to be a double standard between the Western and Eastern imperial powers. While it seemed the West could expand their territories at whim with no consequence, non-white Eastern powers were condemned for similar actions — such as the invasion of Manchuria. One Japanese diplomat recalled the period of American “manifest destiny,” when the United States significantly expanded its borders from coast-to-coast, and bitterly

\(^{10}\) Ibid., 42-43; 89.  
\(^{11}\) Ibid., 38.  
\(^{12}\) Ibid., 53.  
\(^{13}\) Hastings, \textit{Retribution}, 35.  
\(^{14}\) Toland, \textit{The Rising Sun}, 100.
wondered why the Americans should be concerned for the fate of the Chinese when the fate of American Indian and Mexican people were hardly ever considered during American expansion.\textsuperscript{15} The rift between the U.S. and Japan moved from theory to practice.

Furthermore, a history of racism between the two nations did no favors for Japanese disdain toward the U.S. Western racism, particularly in America, helped the Japanese sculpt their particular brand of imperialism. An illustrative example of American racism towards Japanese people was the spark of “yellow peril” that spread over America’s Pacific coast in the early 1900s. This was a fear that Asian people, and the Asian continent’s political power, threatened the white race’s survival. Americans who subscribed to this idea addressed it in daily life. This fear motivated Americans in California to segregate schools. In 1924, the American Congress also passed the Exclusion Act, which barred further Japanese immigration to the United States.\textsuperscript{16} In this context of western hostility, the Japanese formed an ideology that put Asians first. After the outbreak of the war, Japanese propaganda insisted that the war in the Pacific was a racial one.\textsuperscript{17} The Japanese did not wish to fall under the domination of the white man, as they believed Africa had.\textsuperscript{18} So, Japanese leadership dreamed of making an “Asia for the Asians.”\textsuperscript{19} This rejection of western power emphasized Japan’s national aspirations.

However, from the Japanese perspective, an Asia for Asians meant an Asia ruled by Japan. This serves to demonstrate Japanese leaders’ assurance of their own

\textsuperscript{15} Ibid., 48.
\textsuperscript{16} Ibid., 55.
\textsuperscript{17} Ibid., 447-55.
\textsuperscript{18} Ibid., 47-48.
\textsuperscript{19} Ibid., 157.
strength: they would be too strong to be subordinate to Western nations, and the strongest to rule in the East. The Japanese confined their new colonial subjects to a lesser social status than any Japanese person occupied. After the invasion of Manchuria, the Japanese forced every Chinese person to bow to every Japanese person. Additionally, Japanese immigrants were not permitted to intermarry with the local civilians, displaying Japan’s superiority complex. These were only Japan’s milder actions toward its colonial subjects.

More severe offenses included arbitrary shootings of local civilians. First hand accounts from occupied China also describe food shortages, and disease outbreaks due to a dearth of medicine. And, while the Japanese plan to invade Manchuria supposedly included the protection of the Chinese people, this sentiment was rendered hollow by the acts above, as well as the invasion of the city of Nanking. A third of the city was destroyed, and over 200,000 Chinese citizens were murdered as a result of Japanese looting, raping, and pillaging in the city. Over the course of the war in China, the most common estimate of civilian deaths under Japanese rule is fifteen million.

Additionally, the Japanese viewed their new territorial acquisitions, as well as the people who lived within these territories, as resources to be exploited. As early as the beginning of Japanese nationalist sentiments in the late 1920s, Japanese people saw Manchuria as the solution to poverty in Japan, because it could be a place from

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20 Hastings, Retribution, 196.
21 Ibid., 193.
22 Ibid., 198.
23 Toland, The Rising Sun, 50.
24 Hastings, Retribution, 192.
which to extract raw resources and also to become a market for Japanese goods.\textsuperscript{25} Additionally, whatever the Japanese wanted, they took. Rape and pillage became a policy of social control, stemming from the behavior of Japanese commanders in colonized territories.\textsuperscript{26} If women were not kidnapped to be “comfort women,” then they were often routinely raped within their own villages.\textsuperscript{27} The “comfort women” institution was an organized system of sexual slavery coordinated by the military. Generally, only “comfort women” broke the enforced segregation between the Japanese and their colonial subjects.\textsuperscript{28} This is all to say that the idyllic idea of an Asia for the Asians was a guise for Japanese expropriation and colonization.

Imperial aspirations caused Japanese leaders to struggle among themselves over how to resolve their strained relationship with America. Military leaders chomped at the bit to go to war with the Western power; however, civilian leaders feared this possibility and urged a diplomatic solution. The militarists believed that war was the only way to save Japan from ruin.\textsuperscript{29} For one, military leaders believed that America possessed belligerent intentions toward Japan. They also feared for their nation’s very survival due to fear of encirclement by the “ABCD” powers — the Americans, British, Chinese, and Dutch.\textsuperscript{30} This reflected the broader Japanese fear they would lack the resources required to fulfill their aspiration to become a global competitor. Those who favored diplomatic methods cautioned that a conflict with America would likely end in disaster because of American industrial superiority.\textsuperscript{31}

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\textsuperscript{25} Toland, \textit{The Rising Sun}, 6-7.  \\
\textsuperscript{26} Hastings, \textit{Retribution}, 236.  \\
\textsuperscript{27} Ibid., 196.  \\
\textsuperscript{28} Ibid., 14.  \\
\textsuperscript{29} Toland, \textit{The Rising Sun}, 125.  \\
\textsuperscript{30} Ibid., 94.  \\
\textsuperscript{31} Ibid., 93.
\end{flushleft}
However, army and naval leaders believed that the Japanese had a window of opportunity to win a war with America if they acted quickly — and they believed this window was closing.

The fear of a missed opportunity pushed military leaders to set deadlines for military action — if diplomacy had not prevailed by the chosen deadline, war would proceed. One proponent of this path was General Hideki Tojo, who had been appointed the nation’s war minister. He was a “rigid disciplinarian,” but a respected and an able commander.\(^{32}\) Tojo would bristle at the word “caution” in discussion of American tensions and grew impatient as the deadlines for action passed by.\(^{33}\) There was even internal strife over exactly what deadlines to set. For instance, the navy was far more patient with diplomacy than the army was.\(^{34}\) Yet, preparation for war began despite continued negotiations with the Americans. This meant that unless diplomatic negotiations resolved successfully, a declaration of war was inevitable.\(^{35}\) The line between war and peace with America grew thinner and thinner.

The actual Japanese decision to go to war was the result of a misunderstanding. A mistranslated letter from a Japanese official to the American Secretary of State Cordell Hull convinced the American politician that the Japanese had forgone diplomacy entirely. From the Japanese perspective, Hull’s response to this letter confirmed America’s hostility toward their nation.\(^{36}\) So it seemed to the Japanese, diplomacy had failed and the time for war had come.

\(^{32}\) Ibid., 60-61.
\(^{33}\) Ibid., 112-14.
\(^{34}\) Ibid., 125.
\(^{35}\) Ibid., 100.
\(^{36}\) Ibid., 144.
Japanese leaders believed that an attack on Pearl Harbor would yield a “decisive blow” and a short war. Japanese admirals in particular were obsessed with a “decisive blow” that could end a war in one swift action. This idea was rooted deeply in Japanese naval culture thanks to the naval leader, Admiral Togo, who secured Japan’s victory during the Russo-Japanese war with a surprise attack in 1904. This action, which had crippled the Russian navy, inspired Japanese Admiral Isoroku Yamamoto to plan the Pearl Harbor attack.37 “Decisive blow,” in the words of historian Max Hastings, became a “tragic phrase” for the Japanese, to be repeated over and over again without success.38

World War II in the Pacific began because the Japanese were self-righteous and felt entitled to shows of strength over other nations, and because the Americans failed to comprehend their enemy’s culture. As the war progressed, these same attitudes would only become more pronounced. By the end of the war, American policies and attitudes escalated in hostility toward Japan because the American home front and military believed they were fighting a barbarous enemy who would not quit. And, indeed, the Japanese stubborn belief in their own strength would prevent them from admitting defeat until the last possible moment. By the end of the war, this caused frustration, exhaustion, and anger among the Allied troops and leadership, which was expressed in the methods of war and targets that were chosen. Steadily, action in this theater intensified due to Japanese tenacity and the unique features of war in the Pacific. By 1945, this placed pressure on the Americans to end the war as

37 Ibid., 150.
38 Hastings, Retribution, 191.
quickly as possible and choose methods that leaders believed would save the most American lives.

2. Inching Towards Victory, 1941 - 1943

The initial months of the war in the Pacific went poorly for the Allies. By early 1942, the Allies had suffered a series of defeats at the hands of the Japanese. On December 7, 1941, Pearl Harbor was only one in a set of simultaneous surprise attacks the Japanese mounted against the Allies. In fact, this single day created Japanese momentum for the entire beginning of the war. In addition to Pearl Harbor,

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Japanese landings were made on the Malay Peninsula, and Japanese Zero fighter planes all but destroyed General Douglas MacArthur’s air force.\textsuperscript{40}

Catching MacArthur, the commander of the United States Army Forces in the Far East, without any military support, the Japanese invaded Luzon, the northernmost island of the Philippines. This forced MacArthur to “last resort” operations he had previously tabled as needless. His troops were quickly pushed to Bataan, in the southeast corner of the island, by February 1942.\textsuperscript{41} In early March, MacArthur withdrew to Australia, because all that awaited his troops in the Philippines was eventual surrender and one of the most notorious cruelties against prisoners of war during World War II — the Bataan Death March.\textsuperscript{42} Next, the Japanese made their way up the Malay Peninsula toward Singapore Island, which was a British stronghold in the Pacific.\textsuperscript{43} Singapore fell rapidly, and soon only Bataan and Corregidor, a small island off of the coast of Luzon, remained for the Japanese to capture.

The Allies’ unpreparedness for this war was devastatingly clear. With barely any effort, the Japanese seized islands in the South Pacific such as Borneo, the Celebes islands, and Java. They also gained strong footholds on New Guinea, which secured access to natural resources.\textsuperscript{44} In the wake of these victories, the Japanese planned to conquer island groups off the northeast coast of Australia, including Samoa, Fiji, and New Caledonia, in order to cut the supply line between Australia and America.\textsuperscript{45} On May 8, 1942, only five months after Pearl Harbor, Major General

\textsuperscript{40} Toland, \textit{The Rising Sun}, 234.
\textsuperscript{41} Ibid., 251.
\textsuperscript{42} Ibid., 286.
\textsuperscript{43} Ibid., 268.
\textsuperscript{44} Ibid., 278.
\textsuperscript{45} Ibid., 303.
Jonathan Wainwright, commander of American forces in the Philippines, officially surrendered the entire Philippines. It was clear it would be disastrous for the Allies to continue to defend this territory.\(^{46}\) Allied troops who surrendered to the Japanese were some of the first American soldiers to encounter the Japanese behavior in war during the Bataan Death March. This was a transport of Allied prisoners after the fall of the Philippines, during which many POWs died as a result of Japanese brutality. Allied POWs captured after these initial battles were treated viciously because surrender signaled weakness, and therefore inferiority, to the Japanese. This was the first sign the Japanese were averse to quitting, and the foundation of American anger toward their adversary.

As a result of these initial victories in the Philippines and New Guinea, especially, the Japanese now posed a direct threat to invade Australia.\(^{47}\) At this point, the Japanese also reached the apex of their territorial expansion, which greatly extended the perimeter of their empire. In record time, the Japanese had defeated nearly all of the Allied troops in the South Pacific and had asserted dominance in the theater.

While the battle for the Philippines was being waged, President Roosevelt was eager to bomb the Japanese mainland as soon as possible. This seemed like a pipe dream, given the distance a plane would have to travel to Japan from bases on Hawaii, until it occurred to the Americans they might launch a long-range bomber from an aircraft carrier’s deck.\(^{48}\) In fulfillment of the President’s wishes, air commander Colonel James Doolittle led sixteen B-25 bombers in an air raid over

\(^{46}\) Ibid., 318.
\(^{47}\) Hastings, *Retribution*, 3.
\(^{48}\) Toland, *The Rising Sun*, 304.
Tokyo in April 1942. Doolittle emphasized choosing specific and strategic targets during this raid — he had given explicit orders to avoid the imperial Palace grounds, hospitals, and schools.49

This raid was planned with a similar strategic mentality to the one the Americans adopted when bombing in Europe. In 1942 in Europe, the United States Army Air Force (AAF) focused on “precision bombing” techniques. Typically practiced in daylight, “precision bombing” tactics emphasized aiming for specific military targets, usually associated with economy or industry, in order to conserve resources and damage the enemy’s war effort by incapacitating their war production. Although the inspiration for the raid was punitive in response to Pearl Harbor, Doolittle’s bombers focused on aiming for specific military targets.

While this raid itself failed to eliminate any valuable physical military objectives, it had huge psychological effects on both adversaries. On the one hand, the Japanese were shocked, because they believed their homeland was safe from any attack.50 On the other, the Americans celebrated Doolittle and his fellow bombers in the States, providing hope amidst otherwise dreary news from this theater. So, while this raid may not have been a success in terms of physical damage, the Americans sent a very important message to the Japanese: we can reach you. This raid was the first of many American precision air attacks on the Japanese mainland to fail to eliminate physical targets. But it would not be the first, or the most impressive, American raid on Japan to leave a lasting psychological impression.

49 Ibid., 309.
50 Ibid., 310.
The Doolittle raid was a carefully planned exception to the rule of American strategy in Japan. In general, American war making in the Pacific pivoted on two strategies. One was a land operation through the Philippines, and then beyond toward Japan via mainland Asia, led by General MacArthur. These missions were often long, exhausting ground campaigns purposed to recover control of New Guinea and the islands of the southwest Pacific. The other strategy was “island hopping.” Admiral Chester Nimitz, who commanded the Navy and Marines and the Pacific Ocean areas, including the Marshalls, the Caroline Islands, and the Marianas, was responsible for executing this strategy. The American goal was to forge a path through Japanese conquests towards the Japanese mainland that would put the Allies in offensive range of their enemy’s home territory, by both land and air. Given the initial Japanese victories, this meant that Nimitz’ starting point for island hopping would be Hawaii. The next time the Allies would be close to offensive bombing range of the main Japanese islands would be 1944. And, the next time the Allies would be able to bomb the Japanese mainland with favorable results would be 1945, during the incendiary bombing of Japanese cities. Like all strategies in this theater, the way toward mainland Japan would be arduous for the air forces.

After a series of crushing defeats, the Battles of Midway and Guadalcanal represented the point at which the U.S. reclaimed momentum for the entire remainder of the war — but while progress thereafter would be steady, it would remain slow. This lethargic pace would shortly begin to weigh on Allied leaders. Preceding Midway, in May 1942 was the Battle of the Coral Sea, located at the southeastern tip of New Guinea. At this point, the Japanese objective was to fortify a perimeter that

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51 Hastings, Retribution, 21.
would prevent Allied penetration of their inner empire, and protect Japanese conquests in Southeast Asia. At the Battle of the Coral Sea, the Japanese planned to position themselves to complete the conquest of New Guinea and make headway towards Australia. Though this battle technically resulted in a tactical victory for the Japanese, who sank the American aircraft carrier *Lexington*, it was actually a strategic victory for the Allies: the Japanese advance had been halted for the first time since Pearl Harbor, and the Japanese were forced to postpone their attack on New Guinea. 52 Australia had been effectively defended.

In June 1942, the Battle of Midway, a small island in the Pacific, capitalized on the success in the Coral Sea in the wake of American defeat in the Philippines and at Wake Island, the site of Pearl Harbor’s twin attack. On the Japanese side, Midway was designed by Admiral Yamamoto to create a trap for Nimitz’ fleet in Pearl Harbor. The Japanese imagined that the successful execution of this trap would prevent the Allies from launching any effective attacks against their empire. 53 In other words, this battle would yield the “decisive blow.”

However, Midway was a disaster for the Japanese. In the words of historian John Toland, “for the first time since Pearl Harbor, luck had deserted the Japanese in battle.” 54 One example of the coming misfortune for the Japanese at Midway was a Japanese reconnaissance plane that was delayed in taking off, which allowed the Americans to position themselves for attack undetected. 55 By the end of the battle, the Japanese lost four aircraft carriers, and relinquished control of the Pacific Ocean.

53 Ibid., 321.
54 Ibid., 331.
55 Ibid.
to the Allies. In the wake of this battle, Admiral Nimitz proclaimed, “Pearl Harbor has now been partially [sic] avenged.”56 The Americans had made their first progress away from Hawaii and toward the Japanese mainland.

The American capture of Guadalcanal, in the Solomon Islands, from August 1942 to February 1943, also signified a turning point for the Allies. Guadalcanal was important as a naval base for actions in the Solomon Islands. This was part of an Allied plan to seize the areas around New Britain and New Guinea. After the Americans captured the island, the Japanese attempted to reclaim it many times. Admiral Yamamoto even believed this would be an opportunity to force the decisive battle he and other Japanese military leaders aspired to.57 This opportunity never materialized at Guadalcanal, nor would it the remainder of the war.

While Guadalcanal fell to the Allies, MacArthur’s troops aimed to take the Solomon Islands and the northwest coast of New Guinea. This campaign’s progress across New Guinea was slow, and would continue to be for the duration of the war. This ground effort was selected for its importance in depriving the Japanese of access to Australia, and providing Allied access to New Britain and the coveted port of Rabaul.58 In the end, Rabaul would only be neutralized, not seized.59 The length of this campaign, however, alludes to the many obstacles MacArthur’s troops encountered over the course of the war, despite Allied successes. The hardships encountered by ground troops, from the duration of ground campaigns to the

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56 Ibid., 340-41.
57 Ibid., 389.
58 Ibid., 424.
59 Ibid., 468.
casualties these missions incurred, would help darken American leaders’ attitudes toward a potential land invasion of Japan later in the war.

The Allies’ seizure of Guadalcanal stirred the Japanese Empire. It soon became evident that it would be impossible for the Japanese to reclaim Guadalcanal given Allied superiority in the air and sea around the island. This strategic reality caused tension among Japanese leaders, including Tojo, who at this point had ascended to the office of prime minister, reinforcing the nation’s single-minded focus on militarism. Japanese withdrawal from Guadalcanal would be necessary if they wished to continue waging war. However, this proved a tough decision for leaders to make. To withdraw would contradict orders the Emperor had given to retake Guadalcanal. Additionally, officials feared withdrawal would undermine military authority.\(^60\) The battles at Midway and Guadalcanal are significant because their results created momentum that would be on the Allies’ side for the rest of the war. However, they are also significant because for the first of many more times to come, the Japanese were confronted by the choice between pride and honor, and military practicality. This time, they chose military practicality, and withdrew from Guadalcanal. This choice would be the exception to the rule.

3. **Japanese Tenacity and American Exhaustion, 1944 – 1945**

At the beginning of 1944, the Allies were on a winning streak. By late 1943, MacArthur’s troops had fought their way across New Guinea to the harbor in Hollandia, gaining ground towards the Philippines. In late November 1943, Marines

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\(^{60}\) Ibid., 422.
took Tarawa Atoll in the Gilbert Islands. This battle was relatively short — four days — and killed almost all of the 5,000 Japanese defenders, along with 1,000 Americans.

Though the island was tiny, this moment represented another large step away from Hawaii, and Nimitz’s first significant step towards Tokyo. The 1944 landing on Saipan was another important strategic leap toward Japan, moving northwest in the Pacific away from Tarawa, and toward the Japanese mainland. This island was considered the most strategic target in the Mariana Islands. The island’s proximity to the coast of Japan made it a key step in the American advance on Japan.

Additionally, Saipan’s capture would enable American B-29 bomber planes to take off within flying range of Tokyo for the first time in the war. After a sea battle off the coast, the Japanese defeat at Saipan was inevitable. This would be the first time the Allies would have the ability to bomb Japan at all since the Doolittle raid on Tokyo; however, no successfully completed air attacks against Japan would occur until General Curtis LeMay gained control of XXI Bomber Command, based in the Marianas, in early 1945. Despite these numerous strategic advances, the more victories the Allies won, the more the Japanese appeared to resist defeat. By the end of the war, the Allies felt the weight of increasing pressures to end the war quickly, and force an enemy who had long been defeated to surrender.

The Japanese institutionalized suicide as both an act of honor and strategy, which motivated their tenacity in the face of defeat, much to American chagrin. All Japanese people, soldiers and citizens alike, were taught to prefer death to capture for

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61 Ibid., 470.
62 Ibid., 483, 519; Hastings, Retribution, 25.
63 Toland, The Rising Sun, 504.
the sake of family and community honor. For ordinary soldiers, this translated as a fight-to-the-death mentality. One soldier said in reference to Japanese battle codes, reflecting ordinary ideas on suicide in war, “I will never suffer the disgrace of being taken alive.” And at Iwo Jima, Japanese soldiers were told to think of their foxholes as their graves.

Strategically, this resulted in irrational plans to continue fighting rather than surrender even when achieving victory would be untenable. A Japanese officer in Saipan opined that there was no longer a distinction between civilians and troops, because it would be better for civilians to use bamboo sticks than be captured. And, after Guadalcanal, suicidal attacks became prominent in Japanese military philosophy. This is not to say that all Japanese people easily sought honor through death — just as in Nazi Germany, there were exceptions to the dogmatism. However, this was clearly a pervasive theme among a majority of Japanese people. This mentality helped instigate American frustration towards their enemy. The Americans were repelled that an enemy would resort to such extreme tactics in the first place, much less institutionalize them. The American perception that the Japanese were unrelenting and barbaric began to crystallize.

The Japanese treatment of Allied prisoners of war demonstrated Japanese brutality in practice to the Americans. Conditions in Japanese prisoner of war camps were ghastly. In the eyes of Japanese captors, prisoners of war were slaves — they

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64 Hastings, Retribution, 54.
65 Toland, The Rising Sun, 512.
66 Hastings, Retribution, 253.
67 Toland, The Rising Sun, 511.
68 Ibid., 700.
69 Hastings, Retribution, 13, 172.
possessed no rights and were not protected under any law. According to Japanese culture, surrender had cost these soldiers the benefit of human respect. Food parcels delivered by the International Red Cross were often withheld from Allied POWs. Food and medicine were scarce. The Bataan Death March serves as an example of Japanese cruelty toward prisoners. This act was a transport by foot of seventy-six thousand Allied POWs after the surrender of the Philippines in 1942. The way was paved by starvation, malaria, and inhumane treatment from Japanese captors, such as arbitrary killings and beatings. This action, among other atrocities, directly contributed to the Allies’ building disdain for the Japanese.

The Japanese treatment of their colonies did not help repair their reputation as a uniquely brutal enemy. After the outbreak of the war, the people of Manila were targeted during the Japanese occupation of the Philippines between 1942 and 1945, much as the civilians of China had been. One policy asserted that all people in a particular battle area were guerillas, which caused civilians to be systematically murdered. Japanese soldiers also killed people in schools and hospitals, such as the San Juan de Dios Hospital and Santa Rosa College. Additionally, many women of Manila were forced into sexual slavery as comfort women. These actions did not occur as a result of unruliness or disorder among Japanese troops, but because of a policy among local Japanese commanders. These actions fulfilled the expectations of military leaders. The Japanese carried their national superiority complex

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70 Ibid., 348.
71 Ibid., 352.
72 Toland, The Rising Sun, 294-98.
73 Ibid., 301.
74 Hastings, Retribution, 234.
75 Ibid., 236.
throughout the duration of the war, and themselves provided fodder for Allied portrayals of a cruel and ruthless enemy, by committing war crimes against Allied POWs and the civilians of their conquered territories.

With the introduction of a desperate new tactic, the Battle of Leyte Gulf was the first true example of the Japanese unwillingness to surrender in the face of certain defeat. Despite a series of defeats, in October 1944 the Japanese perceived the Battle of Leyte Gulf in the Philippines as another opportunity to deliver the decisive blow they longed for. In the end, the only decisive thing about this battle was that it was another Allied victory. But, Leyte Gulf saw the introduction of a new Japanese tactic: the *kamikaze* suicide bombers. The *kamikaze* bombers flew their planes directly into the decks of American ships in order to cause an explosion. The suicide bombers became a part of the Japanese army when resources failed to provide for a legitimate air force. At this point in the war, Japanese resources only allowed for rushed training of mediocre pilots, in comparison to the two years of training American pilots received, and to the even better Japanese pilot training prior to the war.76

Young Japanese pilots romanticized the *kamikaze* tactic, which reflected the individual internalization of a suicidal mentality, and the tactic evolved over time. Eventually, pilots would bomb in packs. A single *kamikaze* attack could be quite devastating — especially the fires the impact could spark. While some Japanese leaders thought the *kamikaze* strategy would secure victory, there was never a real chance that this could change the course of the war. It did, however, increase the total American casualties.77 This became a pattern for the rest of the war: the

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76 Ibid., 171.
77 Ibid.
Japanese would adopt a strategy out of desperation that had no hope of turning the tide of victory, but would increase the total number of American casualties.

The *kamikaze* tactic illustrated Japanese skill at depleting American forces and resources even in the face of defeat. Unable to stop the American advance towards the mainland, the Japanese adopted a strategy to exhaust the Americans into defeat, rather than decisively beat their Western adversary on the battlefield. Japanese military leaders knew that fighting by Western standards would ensure defeat. So, they chose to wage a fight so bloody they believed it would force the Americans to negotiate with them.\(^{78}\) The Japanese also gambled on two assumptions: that the Americans would lack the stomach for a long conflict, and that Germany would win the war in Europe.\(^{79}\) While the second assumption proved simply incorrect, the first one would be shown to be correct in a perverse, ironic manner: The Americans were vehemently opposed to a long conflict, but their solution was not to give up the war.

The Battle of Iwo Jima represented one of the nastiest and most difficult skirmishes of the war. Between February to March 1945, the Americans fought to acquire the islands’ airfields, and to make progress towards staging a land invasion of Japan, if necessary.\(^{80}\) While success at Guam, Saipan, and Leyte Gulf in 1944 helped the Allies progress in leaps and bounds from the 1942 Japanese imperial perimeter towards mainland Japan, Iwo Jima was within spitting distance of Tokyo.

However, this key acquisition would not be gained without great difficulty and frustration. Every day seemed to bring only small advances and heavy casualties for the Americans. The only strategy available to the Marines was frontal attack on

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\(^{78}\) Ibid., 6. 
\(^{79}\) Ibid., 34. 
\(^{80}\) Ibid., 247.
well-fortified positions, which was the defensive strategy the Japanese adopted. This made it difficult to penetrate enemy lines. In the words of Max Hastings, “[The Americans] were obliged to advance across Iwo Jima yard by yard, bunker by bunker, corpse by corpse.” Firepower seemed to do little to dent enemy defenses. 

According to one soldier, sometimes “it appeared that the only sure way of leaving Iwo Jima alive was to be wounded.” The difficulty of this particular campaign fueled most American soldiers’ loathing for the Japanese, and some even found satisfaction in killing their enemy during this battle. 

Iwo Jima, similarly to the kamikaze fighters, represented continued Japanese tenacity despite desperation. As treacherous as the battle was for the Americans, the situation was worse for the Japanese. They were strapped to provide sustenance and means of survival to their troops, much less medical care or victory. But the Japanese established defenses that would prolong their inevitable defeat on this island. Every man on Iwo Jima was pressed into infantry service. Japanese commanders focused on building about fifteen hundred caves and tunnels seventy-five feet underground to fortify their position as much as possible, because the commander on Iwo Jima was aware that the Americans would inevitably win the skirmish due to their technology. This strategy proved to be an effective defense against the superior American weaponry for a time. It took the Americans over a month to secure the tiny island, which was only about nine square miles in size. In the end, one Marine had been lost for every Japanese soldier, which was an unusually

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81 Ibid., 252.  
82 Ibid., 255.  
83 Ibid., 259-60.  
84 Ibid., 256.  
85 Ibid., 250.
large proportion for the Americans during the Pacific War: more than one in three U.S. Marines became casualties. However, the battle was particularly devastating for the Japanese: only a few hundred of the 21,000 Japanese soldiers on the island survived.86

Next, the Allies turned their attention towards Okinawa. The Allies coveted Okinawa because it was seen as a key staging area for a land invasion of Japan, and it would be the closest objective yet to the mainland.87 The island was an ideal preparation point for a land invasion due to its flat, narrow plains for airfields, and deep bays for naval bases.88 As it was anticipated at this point in the war, the battle at Okinawa was the first in a series of steps the Allies planned to secure final victory. The next steps would include maintaining a naval blockade led by Nimitz, the bombing of the Japanese mainland to dislocate Japanese industry led by Curtis LeMay, and then Operation Olympic: the land invasion of Kyushu, Japan’s southernmost island. The invasion was scheduled for November 1945.89

By the time of Okinawa, Allied leaders were beginning to feel pressure to end the war quickly. Almost concurrently with the beginning of the battle on Okinawa, the Joint Chiefs of Staff for Allied leadership endorsed Operation Olympic. They felt pressed for time, because the Japanese were so adroit at draining American strength, and because they worried about the home front’s patience. The American public was bitter that while Americans were triumphing in Europe, American soldiers were still

86 Ibid., 263.
87 Ibid., 369.
88 Toland, The Rising Sun, 682.
89 Hastings, Retribution, 428.
dying overseas in Japan.\textsuperscript{90} So, the invasion of Japan was officially approved, to avoid the costs of delay if it was required.\textsuperscript{91}

The Allies continued to plan on invading Kyushu until victory was confirmed in late August 1945.\textsuperscript{92} Although in retrospect the landing at Okinawa took place at the end of the war, there were few signals at this moment the end was near, or that victory would come sooner than 1946, given Japanese tenacity in war. Hastings points out, “If some historians judge that America’s warlords erred in taking Iwo Jima, the commitment seemed natural in context of the grand design for America’s assault on the Japanese homeland.”\textsuperscript{93} He makes a similar point for Okinawa, that historians who say this effort was futile have the privilege of knowing subsequent events.\textsuperscript{94} The contrast between modern, retrospective judgment and the complexity of military decisions motivated by late war pressures would become a theme at the end of the Pacific War as American tactics escalated toward incendiary bombing and the two atomic bombs.

That said, many Allied commanders were unhappy about the possibility of a land invasion of Japan. Admiral Nimitz, for example, believed the long-term interests of the U.S. in ending the war could be achieved by naval and air attack rather than by land.\textsuperscript{95} This may have been in response to either the large amount of American casualties a land invasion would cost, or it may be that Nimitz shared the opinion of Admiral Ernest King, Chief of Naval Operations, that it would be

\textsuperscript{90} Ibid., 378.
\textsuperscript{91} Ibid., 448.
\textsuperscript{92} Ibid., 442.
\textsuperscript{93} Ibid., 265.
\textsuperscript{94} Ibid., 403.
\textsuperscript{95} Ibid., 443.
beneficial for the U.S. Navy to defeat the Japanese with their blockade. On the other hand, Henry “Hap” Arnold, commander of the U.S. Army Air Forces, definitely had his own motivations to resist a land invasion. Arnold rejected the idea of a land invasion because he wanted to demonstrate that strategic bombing could decisively conclude the war. 96 Arnold’s stance would soon help motivate AAF campaigns against Japan in 1945.

To an even greater extent, the Battle of Okinawa between April and June 1945 represented the same frustration and loss that Iwo Jima had. After D-Day in Normandy, France, June 6, 1944, the American landings on Okinawa were the largest of the war. 97 It was a massive battle that lasted eighty-four days. The Japanese fought using their established tenacious and suicidal strategies, but this time at even more extreme costs than before. During this battle, Japanese soldiers perished at an alarming rate. Twelve times more Japanese soldiers than Americans died: when all was said and done, 12,000 American lives had been claimed in comparison to 150,000 Japanese lives. 98 Yet, the policy of suicide continued. Kamikaze pilots were an integral part of Japanese strategy on Okinawa. Despite the symbol of desperation they represented, on Okinawa kamikaze attacks were ten times more successful than conventional attacks, sank 27 ships and damaged 164 more. 99 The Japanese resistance during this battle shocked Americans. 100

Many Japanese figured that they might as well be suicidal in battle if they were likely to die anyway, and overcame the fear of death. The Japanese military

96 Ibid., 447-48.
97 Ibid., 371.
98 Ibid., 369.
99 Ibid., 393.
100 Ibid., 403.
even developed new suicide tactics, such as suicide boats.\textsuperscript{101} Most disturbing, however, was the role civilians played on Okinawa. Civilian casualties on Okinawa reached unprecedented proportions.\textsuperscript{102} As was true earlier in the war, many civilians were indoctrinated to choose death alongside the Japanese army. Thousands of civilians took their own lives with grenades in order to die as “true” Japanese, but also out of fear of the enemy. Indoctrination ran so deep, that when one schoolteacher decided that he and his students must live, a young schoolgirl arrived with a grenade and pestered the teacher about whether it was time to die yet. When the teacher took the grenade from her hand, she ran to the ocean, determined to die. Those around her did not allow her to get her wish.\textsuperscript{103} In the end, the Battle of Okinawa caused more deaths than any in the entire Pacific War.\textsuperscript{104}

After 1943, the Americans would accept nothing less than unconditional surrender. This had been decided at the Casablanca Conference between the “big three” Allied leaders, Roosevelt, Stalin, and Churchill.\textsuperscript{105} Toward the end of the war, the Japanese underestimated how serious the Allies were about their surrender. On July 26, 1945, the Allies issued the Potsdam Declaration, which called for Japan’s unconditional surrender. The document was prefaced with the statement “There are no alternatives.” It also stipulated exactly what “unconditional surrender” meant to the Allies in practice.\textsuperscript{106} Yet, while the Japanese believed they had time to discuss

\textsuperscript{101} Ibid., 394.
\textsuperscript{102} Toland, \textit{The Rising Sun}, 726.
\textsuperscript{103} Ibid., 725-26.
\textsuperscript{104} Hastings, \textit{Retribution}, 386.
\textsuperscript{105} Toland, \textit{The Rising Sun}, 437.
\textsuperscript{106} Hastings, \textit{Retribution}, 469-70.
their next move, the Allies planned a Soviet invasion of Manchuria and the Americans plotted two atomic bomb attacks.\(^{107}\)

Even when it was clear that victory was not possible for the Japanese, many Japanese leaders reaffirmed their refusal not to humiliate themselves through unconditional surrender — or any surrender, for that matter. In fact, when Germany surrendered in early May 1945, this only increased the Japanese motivation to continue fighting.\(^{108}\) Toward the end of the war, a new military manual was issued to Japanese soldiers that stated there would be no retreats, casualties should be abandoned, and in lieu of weapons one should fight with bare hands. Hastings describes this moment as a whole nation turning suicidal.\(^{109}\) Similarly to this war manual, a final Japanese defense plan, Operation Decision, called for volunteers to use muzzle-loading rifles, bamboo sticks fashioned into spears, and bows and arrows.\(^{110}\) Furthermore, even after the atomic bombs were dropped and the Russians entered Manchuria, some Japanese leaders within the army were defiant about continuing the war; though other leaders were beginning to slowly accept the idea of peace.\(^{111}\)

Many within Japanese leadership did not seem to understand the reality of their situation; however, there were many other Japanese people who did. Some recognized, as others had prior to the war, that it had never been possible to win the war, given American industrial superiority. And, many Japanese citizens could see plainly that their army had lost control of its soldiers’ discipline and was unable to

\(^{107}\) Ibid., 458.
\(^{108}\) Ibid., 452-53.
\(^{109}\) Ibid., 439.
\(^{110}\) Toland, The Rising Sun, 756.
\(^{111}\) Hastings, Retribution, 504.
provide essential resources to troops, such as fuel.\textsuperscript{112} But, on the level of political leadership, Japanese actions reflected a disparity between the power leaders believed they possessed, and the power they actually had. While searching for a negotiated peace, a document composed by the Japanese Supreme Command stated that with “eternal loyalty as our inspiration,” they would continue to the “bitter end in order to uphold our \textit{kokutai} [national essence], protect the imperial land and achieve our goals of conquest.”\textsuperscript{113}

Any Japanese attempts at surrender or peace prior to the Potsdam Declaration were weak at best. They sought help from the Russians with a mediated peace that the Russians would never have had an interest in facilitating.\textsuperscript{114} Additionally, the Japanese strategy late in the war assumed that the Americans must invade their homeland to assume victory, and that, if the Americans invaded, they would be repelled.\textsuperscript{115} In reality, as a result of their dwindling power, the only political bargaining chip the Japanese could have held at all was Allied fear of a land invasion. And this potential hope was eliminated as a concern after the atomic bombs were added to the American arsenal.\textsuperscript{116} Though the Japanese could not have known about the Americans’ nuclear weapons, their inevitable defeat seemed to become clearer and clearer to all but their military leaders.

As the Americans threatened to drop a third atomic bomb in August 1945 and American bombing continued to devastate the Japanese homeland, Emperor Hirohito finally put an end to the bloodshed. He made the executive decision to end the war

\textsuperscript{112} Ibid., 437.
\textsuperscript{113} Toland, \textit{The Rising Sun}, 749.
\textsuperscript{114} Ibid., 776.
\textsuperscript{115} Hastings, \textit{Retribution}, 439.
\textsuperscript{116} Ibid., 445-46.
amidst squabbling between the Prime Minister’s cabinet members.\textsuperscript{117} There were many Japanese who accepted surrender with relief.\textsuperscript{118} But at the other end of the spectrum, there was a failed coup among junior military officers, and several suicides.\textsuperscript{119} After great debate among the Americans, Japan was allowed to retain its emperor for the purposes of a peaceful transition to democracy. A war crimes trial was convened. General MacArthur was installed as Supreme Commander of the Pacific to oversee Japan’s transition from war to peace.

The debate among Americans about whether or not to retain Hirohito’s imperial office illustrates the extent to which American attitudes had escalated. After the war, Americans both in military service and on the home front wanted Japan to be punished for many reasons ranging from Pearl Harbor, to the Bataan Death March, to the blood price the Americans had to pay battle after battle. Although the Japanese imperial office was the surest way to the exact cooperation from the Japanese, Americans did not want to let the Japanese off easy. While the war in Europe was terrible, and Americans acknowledged the atrocities of the Nazi regime, the war in the Pacific was particularly emotionally and physically exhausting for Americans. Pearl Harbor was a catalyst for anger towards the Japanese, but the conduct of the war was the nail in the coffin for any positive American attitudes towards the Japanese.

From the Japanese perspective, a fight that originally began over a seat at the table of international diplomacy quickly became a fight to preserve an inflated sense of national dignity to which the leaders of the nation felt entitled. While many recognized before Pearl Harbor they could not win, rather than backing down, this

\begin{footnotesize}
\textsuperscript{117} Ibid., 511.
\textsuperscript{118} Ibid., 517.
\textsuperscript{119} Ibid., 516.
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translated into “if we must lose, we will take as many of the enemy down with us as possible.” They planned to extract a “blood price” from the Allies.

This strategy, from the Allied perspective, presented the frustrating question of how to defeat an enemy who would not quit. It was this frustration that led some commanders to consider the use of gas warfare, which had been legally and normatively prohibited since the end of the First World War, among other weapons. And, it was this frustration that led American leaders to change their primary strategic bombing strategy from “precision bombing” in the European theater to “area bombing” in the Pacific theater — the transition between daylight attacks against specific military objectives, to nighttime attacks on urban areas designed to devastate industry. After the Allies turned the momentum of the war, it was never a question of whether the Allies would win. Rather, it became a question of how.
Chapter Two

Maximum Effort: The Evolution of American Bombing Doctrine,

1918 - 1945

1. Introduction

Between 1941 and early 1945, while the Marines and MacArthur’s ground troops painstakingly progressed toward the Japanese mainland, island-by-island and inch-by-inch, the AAF’s bombing doctrine underwent an evolution. Although the AAF was never irrelevant in the Pacific, and conducted operations out of China and India over the course of the war, a dramatic shift occurred between bombing campaigns in the European theater and the moment American bombers successfully attacked the Japanese mainland for the first time, in March 1945.

This chapter will explain how U.S. bombing doctrine developed between the end of World War I and the moment Japan came in range of American bombers to contextualize AAF decision-making late in the war. First, the origins of American air policy will be discussed in order to understand what principles American air leaders valued and rejected by the beginning of World War II. Next, the discussion will turn to the differences between American and British bombing policy in Europe, to emphasize the Americans’ commitment to their doctrine and to highlight their priority to limit civilian casualties in Europe.

The third section will introduce Americans’ originally tepid, and then hostile, response to the use of incendiary weapons in Europe. Finally, the last section will explain how, in less than a month after an American denunciation of British
incendiary raids in Europe, the Americans embraced incendiary bombing against Japan as a result of the intense pressures experienced in the Pacific in contrast to Europe. All of this information sets the stage to understand the decision to use incendiary bombs on Japan in March 1945. While this choice may appear surprising in comparison to the chronology of bombing between theaters, the AAF’s decision was not spontaneous, nor inconsistent with other American leader’s attitudes in the late war period.

The AAF’s conduct over the course of World War II echoed the escalation of events in the Pacific theater as a whole. To understand this escalation in the context of air power, it is important to understand the perception of this relatively new means of warfare, both before World War II and by the end of the war. It is also essential to understand the differences between what American air commanders understood to be appropriate methods in the European and Pacific theaters. Both of these contrasts point out that methods and principles that had been considered extreme, and perhaps even unlawful, in Europe had by 1945 become routine in the Pacific. The most significant expression of these contrasts is the American perception of large-scale incendiary bombing of urban areas. The Americans rejected this method in Europe, but, by the end of the war, embraced it in the Pacific. These contrasts demonstrate that the pressure to end the war quickly and save American lives, as a result of Japanese tenacity, created a political climate that allowed the AAF to begin considering incendiary bombing as a tactic.
2. Precision Bombing: Development and Practice

*The Origins of American Air Policy*

When World War II began, air power was still a new method of warfare. World War I saw the first glimpses of air bombardment, though this contribution was miniscule in relation to what lay ahead for air power: the total destruction bombing caused in World War I barely summed to a fraction of the devastation this method would wreak during the Second World War. During this first great world conflict, German Zeppelin airships only claimed 1,239 casualties. The number is similar for British bombing raids against the Germans.¹ This tiny contribution aside, by the end of World War I, American military forces desired to develop an official strategic bombing program: although technological development could not yet support their aspirations.² However, this hope would shortly come to fruition: the growth of air power between World War I and World War II resulted in a firm American bombing strategy that emphasized daylight precision tactics, designed to eliminate specific military targets against economic objectives in order to limit collateral damage to use one’s resources as productively as possible.

After World War I, a conversation began about what role bombing would play in the future of warfare. Two schools of thought emerged on how air power should best be utilized. Prior to World War I, the Hague Conventions of 1899 and 1907 had declared aerial bombing illegal. Obviously, during World War I these regulations were violated. So, after World War I, international law began to regulate aerial

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bombardment with The Hague Rules for Air Warfare in 1923. These rules introduced the first of the two bombing philosophies, which specifically called for deliberate target selection of exclusively military objectives, meaning targets that contribute to the enemy’s war effort, to avoid civilians. Although these rules were not ratified by any state, they became a point of reference for western states involved with the conference to use in discussions on the legal implications of civilian bombing.\(^3\)

Given that these rules were not legally binding, debate continued within and among states about the role and regulation of bombing aircraft, and air warfare in general.

While the regulations introduced at The Hague called for care towards the civilian population, alternative ideas also gained popularity within the nascent air power community. The second school of thought on bombing philosophies introduced the idea that air power could create a significant psychological effect on an enemy population, which, in turn, would inhibit the enemy from waging war effectively. Directly following World War I, although actual information on bombing results was scant, it was speculated that bombing might create such a large psychological effect on a civilian population that the enemy would be forced to concede.\(^4\)

Reports directly following World War I proposed that strategic bombing aim for commercial centers and communication systems in order to break the morale of enemy workers. Other ideas presented in post-war bombing reports suggested that bombing should render government employees and institutions unable to function, and disrupt transportation and the manufacture of war materiel.\(^5\)

\(^3\) Overy, *The Bombing War*, 29.
\(^5\) Ibid., 14.
Two men, Italian general Giulio Douhet and British air chief Hugh Trenchard, now recognized as leading thinkers on the role of air warfare, propagated and popularized ideas regarding the bombing of enemy civilian populations. The most basic description of their beliefs is that they thought aerial bombing was the future of warfare, and that this method would ultimately be more efficient and cost fewer lives than conventional warfare. However, both of these thinkers’ conclusions varied by a matter of degree. Trenchard’s World War I-era theories put forth the idea of an independent air force leading strategic bombing offensives. He also believed that the psychological effects of bombing cities would be more beneficial to military operations than the actual physical damage itself. At one point, he estimated that the psychological “yield” of air attacks in Germany during World War I was twenty times greater than material destruction.6

More radical than Trenchard, Douhet promoted more severe ideas on the role of aerial bombardment. Douhet’s logic depended on the combination of two seemingly contradictory ideas: the extreme destruction of the enemy civilian population would ultimately be a more humane mode of warfare. He believed that tactics should aim to terrorize people in cities, because panic would prevent the operation of normal life. According to Douhet, “First would come explosions, then fires, then deadly gases floating on the surface and preventing any approach to the stricken area. As the hours passed and night advanced, the fires would spread while the poison gas paralyzed all life.”7 In *The Probable Aspects of the War of the Future*

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6 Ibid., 15, 17.
Douhet expressed his belief that air attacks would last for only several minutes, and would deliver decisive, knockout blows. In other words, he concluded that the quicker the war, the less total bloodshed, and that air power could hasten the end of a war — therefore, the use of air power could create less bloody wars. None of this is to say that Douhet was amoral by modern standards, for he did view this situation as “tragic.” However, he believed war should be viewed as “unemotionally as science” in order to deliver swift victories and surrenders.\(^8\)

During the 1920s, an American, Brigadier General Billy Mitchell, pioneered the United States Army Air Force, and integrated Douhetian ideas into American military logic. According to historian Ronald Schaffer, Mitchell’s influence on American airpower cannot be overstated.\(^9\) While Mitchell passionately advocated for a particular bombing style, perhaps his most important contribution to American air power was the fact that he drew attention to bombing as a strategy at all. Even though he became a more controversial figure later in life, he never ceased to draw public attention toward the importance of air power, and the possibility of an independent air force.\(^10\) Come World War II, many of Mitchell’s ideas would continue to motivate AAF commanders.

Substantively, Mitchell’s ideas were sometimes similar to, and at other times completely derivative of Douhet’s. While Mitchell did not view the goal of bombing as killing civilians, he did believe that bombing should prevent civilians from

\(^9\) Ibid., 25.
\(^10\) Ibid.
participating in everyday activities by aiming for “vital centers,” or urban areas.\textsuperscript{11} So, his ideas \textit{did} include tactics that would deliberately kill civilians, despite the wording he used to state his values. Although in 1923 he suggested that civilians should be notified prior to attacks, and that attacks on population centers would likely be infrequent, he believed that national morale was a valid military objective, and that poisoning water supplies and destroying crops were legitimate tactics in war.\textsuperscript{12} Like Douhet, he believed that quicker, more decisive conflicts would ultimately lead to less bloodshed and loss of life, and therefore strategic bombing would be a “benefit to civilization.”\textsuperscript{13}

Mitchell became a controversial figure throughout his military career. For one, he imagined a new, radical role for the air force to occupy within the armed forces. Second, he experienced an intellectual slide toward more extreme Douhetian beliefs. In the 1920s, the U.S. Army believed the Air Service’s only useful role was to act as ground support. Because of this organization of military power, Mitchell’s superiors constantly suppressed his opinions, not only because Mitchell advocated for an independent air force, but also because he expressed his opinions publicly. This aspect of Mitchell’s career demonstrates how little was known at the time about air power, in light of the extent to which this new form of warfare would be used in World War II.

Additionally, Mitchell did not benefit from his political climate as Douhet had. Douhet’s ideas were welcomed in Italy, which at the time was under the influence of fascist leaders who did not flinch at the suggestion of violence. In

\textsuperscript{11} Crane, \textit{Bombs, Cities, and Civilians}, 17; Overy, \textit{The Bombing War}, 44-45.
\textsuperscript{12} Schaffer, \textit{Wings of Judgment}, 25.
\textsuperscript{13} Ibid., 26.
America, however, Douhetian ideas appeared gratuitous. The Wilson administration
determined that bombing what Mitchell described as “vital centers” was antithetical
to American military values, which remained a prevalent view in American war
policy through World War II.\textsuperscript{14} By the time Mitchell was court-martialed and
resigned from service in 1926, his ideas seemed to mirror Douhet’s exactly, and he
believed that directly targeting civilian life was the means to hastening the end of a
war.\textsuperscript{15} The contrast between the receptions of these two theorists’ ideas are revealing
about Mitchell. While his ideas were controversial in part because they were new,
they were also controversial because some of his ideas were inconsistent with
American values. The goal of Mitchell’s proposed methods was to force a war’s
conclusion quickly. It was not a doctrine to govern military behavior. Although the
controversial aspects of his beliefs would become secondary, or even forgotten, in
comparison to other air force interests for a time, this was not the last American air
document would see of psychological warfare, as Mitchell conceived it.

Despite the controversy he left in his wake, Mitchell’s mark on the Air Corps
was evident. American daylight attacks in World War II echoed Mitchell’s
experimental sinking of captured warships. These experiments provided a real life
eexample of how one could execute daylight attacks against small targets.\textsuperscript{16} And by
the end of the 1920s, the Air Corps Tactical School seemed to accept some of
Mitchell’s ideas. In 1926, the school published a manual that taught that an
independent air arm should target the civilian population for the purposes Mitchell
described: in order to prevent a prolonged, exhausting conflict in favor for a shorter,

\textsuperscript{14} Ibid.
\textsuperscript{15} Ibid.
\textsuperscript{16} Ibid., 25.
decisive one. This said, the school clarified that focusing on civilian terror did not necessitate large-scale killing, and that life should be preserved whenever possible.\textsuperscript{17} By the late 1920s, the air power community had accepted some of Mitchell’s ideas on psychological attacks, but not without tempering these ideas with considerations for the preservation of civilian life.

As World War II approached, the seeds of American air doctrine continued to grow, combining the logic of major air power theorists with practical considerations. This was the inception of “precision bombing” strategy. As the Army continued to promote the idea that airpower must be used only in support of ground troops, Air Corps officers continued to expand upon the ideas of Mitchell and other theorists on strategic bombing. American air doctrine continued to support Mitchell’s belief that damaging enemy civilian morale would be crucial to defeating the enemy. However, in the wake of a global economic crisis, leaders believed that a more practical way to achieve this goal would be to destroy the enemy nation’s economy through bombardment. This would presumably affect civilian morale, slow war production, and deprive the enemy army of resources. Additionally, the transition to economic targets enabled air power doctrine to be consistent with American sensibilities, which Douhetian logic was not, and with the equipment available at the time.\textsuperscript{18} So, civilian morale would be targeted through the destruction of the enemy’s economy, rather than “vital centers” that were integral to everyday life.

Many of the leaders who developed this new idea of precision bombing would become key players in World War II. Some of the generals who led the charge to

\textsuperscript{17} Ibid., 27.
\textsuperscript{18} Ibid., 28-29.
define precision bombing in the 1930s included Carl Spaatz, who would be best known as the commander of the Eighth Air Force in Europe during World War II, and Haywood Hansell, who would act as the commander of XXI Bomber Command in the Marianas before General Curtis LeMay succeeded him.\textsuperscript{19} Not all of these air power leaders completely ruled out bombing the enemy civilian population, although it ceased to be a priority. General Arnold, commander of the AAF, and General Ira Eaker wrote in a 1941 book on bombing strategy, \textit{Winged Warfare}, “Human beings are not priority targets except in special situations. Bombers in far larger numbers than are available today will be required for wiping out people in sufficient numbers by aerial bombardment to break the will of a whole nation.”\textsuperscript{20}

Precision bombing doctrine in the 1930s was viewed as the most effective way to wage aerial war. This definition of “effective,” defined as direct attacks on specific objectives, would be adopted in Europe during World War II, because it would be seen as the most immediate way to disrupt the German war effort. In 1934, Air Corps materials specified that a preferable option to bombing civilians was to choose specific targets “upon which the social life of the nation depends,” for instance food and supplies. U.S. doctrine only considered direct attacks on the civilian population as a potential method of retaliation, though it is unclear how seriously this was considered at this point in air warfare. That said, by 1939, the Air Corps rejected attacking the civil populace as a direct result of humanitarian considerations. And so it was settled that the best way to attack morale was by

\textsuperscript{19} Crane, \textit{Bombs, Cities, and Civilians}, 19.
attacking targets that disrupted daily life, rather than damaged it, such as raw
materials, energy, and transportation.\textsuperscript{21} This way of thinking would continue into the
first years of the war and distinguish itself from the British way of bombing.

\textit{American v. British Bombing Policy in World War II}

Soon after the beginning of World War II, the British developed a policy of
nighttime “area bombing” raids. Reflecting the original air theorists’ ideas, area
bombing was used to target populated, urban areas in Germany, although still in order
to meet precision bombing’s ultimate goal to disrupt the German economy. These
areas were generally broadly defined, and included an expanse of area rather than a
specific object to target, such as a factory.\textsuperscript{22} This tactic was often practiced at night,
due to the effectiveness of German flak, anti-aircraft fire, in the daylight, with the
additional purpose of targeting enemy morale.\textsuperscript{23}

The Royal Air Force (RAF), the British air service, and the \textit{Luftwaffe}, the
German air force, both began the war with the stated intention to adhere to a precision
bombing doctrine and avoid civilian targets — regardless of their actual intentions.
The \textit{Luftwaffe} quickly abandoned any adherence or lip service to this doctrine,
however. In 1939 the Germans bombed the city of Warsaw, Poland; in 1940
Rotterdam, in the Netherlands; and after that, London, England. In none of these
cases did the Germans actually target legitimate military objectives associated with
tactical military benefits, but rather targeted the cities themselves. Soon after, the
RAF abandoned precision doctrine as a result of German action, and also because of

\textsuperscript{21} Crane, \textit{Bombs, Cities, and Civilians}, 21-22.
\textsuperscript{22} Schaffer, \textit{Wings of Judgment}, 36.
\textsuperscript{23} Crane, \textit{Bombs, Cities, and Civilians}, 18.
British inability to effectively execute daytime precision raids. The RAF turned to a strategy of bombing German urban areas with the objective to disrupt the German economy by killing, injuring, rendering homeless, and inflicting psychological damage on factory workers.\footnote{Schaffer, \textit{Wings of Judgment}, 35-36.}

For the British, bombing Germany was personal. Shortly into the war, the Germans bombed the English town of Coventry. The Germans had dropped a combination of high explosive bombs, incendiary bombs, and mines on the town, causing, what was at that point, unprecedented destruction via air power. Nearly sixty thousand buildings were destroyed, although despite the physical destruction only 568 civilians were killed. Not long after Coventry was attacked, the Germans targeted London.\footnote{Frederick Taylor, \textit{Dresden: Tuesday, 13 February 1945} (London: Bloomsbury, 2004), 104-07.} The British openly acknowledged that many subsequent air attacks on Germany were motivated by revenge. The British attack on Mannheim, Germany, December 16-17, 1940, specifically focused on an urban area and actively sought “revenge” for the bombing of Britain.\footnote{Ibid., 113-14.} In 1941, Bomber Command became popular among the British public, because of a perception that Britain was “hitting back.” Bomber Command was the leadership group for the RAF, commanded by Air Marshal Arthur “Bomber” Harris, who is a figure closely associated with “area bombing” doctrine.\footnote{Ibid., 115-17.} So, much of the RAF’s bombing strategy was not driven by tactical concerns, but emotional ones.

In 1942, when the U.S. joined the war in Europe, American leaders drew a hard line on precision bombing policy, and determined to aim only for specific,
economic targets in daylight. The British often felt that the Americans did not take their bombing campaigns against Germany far enough. In the British press, British leaders were quoted to the effect that the Americans were not willing to do “what it takes” against German cities like Berlin. Nevertheless, the Americans refused to participate in British area morale bombing, and believed they could succeed where the RAF had failed in daylight precision tactics.

In contrast to the British, the Americans aspired to concentrate wholly on specific economic and military objectives. One document from the U.S. Strategic Bombing Survey, a report on the results of American bombing campaigns, lists the primary military objectives in Germany to be electric power, accounting for 50 total targets, transportation, adding to 30 targets, oil and petroleum, accounting for 27, and “morale” in Berlin, accounting for 0 stated targets. In 1941, the Americans likely considered effects on morale to be simply a byproduct of precision attacks, rather than an objective itself. They believed that their bombing strategy would complement the British strategy, and would result in a 24/7 assault against Germany.

This is not to say that the Americans could fully stand on higher moral ground than the British, however. The Americans were also disdainful of the Germans, and took greater care to bomb targets with accuracy over German occupied Allied nations than they did in Germany itself. And, American actions were not necessarily

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28 Schaffer, Wings of Judgment, 68.
29 Ibid., 36-37.
31 Schaffer, Wings of Judgment, 38.
32 Ibid., 39.
justified by morality, but by efficiency. At this point in the war, the AAF’s definition of “efficient” was, “the most direct way to eliminate a target without wasting resources” — and nighttime area bombing was wont to waste resources. So, many generals, including Spaatz and Eaker, believed that the British method was simply inefficient in comparison to the daylight precision method. So, precision policy was not necessarily written for moral reasons.

While the U.S. did steadily transition to more brutal bombing policies in Europe throughout the war, AAF commanders firmly preferred precision bombing policy to area bombing. In August 1944, the British designed Operation Thunderclap, which would be an assault against the heart of Berlin with a distinctly Douhetian flavor. The aim of the plan was to influence Nazi leaders toward surrender by pressuring civilians. It was meant to eliminate the German administrative center, and to create real fear among civilians, some of whom would have no chance to escape the destruction. Some American leaders called this plan a “baby killing” scheme. But others saw it as an alluring way to end the war in Europe quickly, including General Dwight Eisenhower, Commanding General in the European Theater of Operations.

Because discontent prevailed among American leaders in response to Thunderclap, an American counterproposal was drafted. This plan was Operation Clarion, which called for the destruction of nearly all transportation objectives in

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33 Ibid., 37-38.
34 Ibid., 82-83.
35 Crane, Bombs, Cities, and Civilians, 106.
Germany in order to deplete oil supplies for motor transport and, as a secondary effect, push the German people to their limit.\footnote{Ibid., 111.}

However, Clarion did not fool AAF leaders. While the plan was subtitled, \textit{General Plan for Maximum Effort Attack Against Transportation Objectives}, it caused Lieutenant General James Doolittle, now promoted to Commander of the Eighth Air Force in Europe, to warn Spaatz that hitting civilians behind battle lines could provoke retaliation against Allied POWs, allow German propagandists to justify Nazi brutality, and lead to American public anger. Other leaders, such as Eaker, made pleas for precision bombing instead of Clarion, for efficiency’s sake and for moral reasons.\footnote{Schaffer, \textit{Wings of Judgment}, 91-92.} So, although planners began to escalate the severity with which they pursued aerial bombing in Germany, major AAF leaders remained adamant that the Americans should recommit to precision bombing.

However, while commanders remained loyal to precision bombing doctrine in Europe, despite an escalation in tactics, AAF doctrine took a one hundred and eighty degree turn in the Pacific theater. In the early part of the war with Japan, the U.S. did not deviate from its bombing policy in Europe. Although, it must also be noted that in the early part of the war with Japan, the U.S. was not in bombing range of Japan, and \textit{vice versa}. The notable instance of an early bombing raid in Japan, the 1942 “Doolittle Raid” on Tokyo, emphasized precision bombing. Doolittle clearly restricted his objectives to strictly military targets.\footnote{Crane, \textit{Bombs, Cities, and Civilians}, 40.} However, once bombing capabilities became accessible to the Americans in the Pacific, the line between military objectives and civilian areas became blurred.
3. The Transition toward Incendiary Tactics

American Resistance to Area Bombing in Europe

As the war in the Pacific escalated, so did the intensity of American bombing strategy in the theater. In the Pacific, Americans’ commitment to precision bombing strategy dissolved to a degree that allowed tactics AAF leaders condemned the British for in Europe to become commonplace against Japan. Perhaps no other method of bombing illustrates this transition more effectively than the use urban area incendiary bombing tactics across both theaters. The Americans refused to play more than a supportive role in the British incendiary bombings of Hamburg and Dresden in Germany. However, in the Pacific, the pressure to end the war quickly and save American lives, caused by the unique Japanese resistance to defeat, created a political climate that allowed the Americans to accept incendiary bombing tactics as a legitimate method of warfare.

Incendiary bombs, particularly the M69 incendiary bomb, which was used prevalently in the Pacific after March 1945, were composed of slow burning napalm that burst on impact and opened at a predetermined height.39 Multiple M69s could be packed together into “aimable clusters,” which would break open at around 2,000 feet in altitude and release sub-munitions over the target area. Eventually, the M69s were designed to include blast and fragmentation features, along with flame. Other incendiary weapons included bombs that would release scalding gasoline streams,

and an explosive designated the “block burner” for the flames it created, which were visible from air.⁴⁰

In the European theater, and at the beginning of the war, the Americans believed that incendiary bombing was antithetical to American bombing doctrine for several reasons. The first of these reasons was that American air leaders viewed this method as too inefficient to comply with precision bombing doctrine. The British were initially impressed with this new type of bomb after its introduction in 1942, and provided demonstrations and reports for officials in Washington to convince them of its effectiveness. However, Hap Arnold and his staff did not see how this weapon would be consistent with the American way of bombing. The bombs were not as practical for precision tactics as conventional high explosive bombs, and incendiaries were only well suited for area raids with large numbers of bombers. This type of attack was untenable for the AAF in the European theater because of the resources and technology available at the time.⁴¹ Eventually, however, large-scale incendiary bombing raids would become standard in the Pacific.

This is not to say the Americans did not use incendiary bombs at all in the European theater. However, the AAF did not view this weapon to be necessary when high-explosive bombs were successfully eliminating their targets. When the Americans did use incendiary bombs in Europe, they purposed them to support precision raids on German factories. Even then, however, American crews reported that these weapons were not performing as effectively as other methods.⁴²

⁴¹ Crane, Bombs, Cities, and Civilians, 91; Hastings, Retribution, 283.
⁴² Crane, Bombs, Cities, and Civilians, 91-92.
Additionally, early in the Pacific War, the Americans rejected the use of large-scale incendiary attacks because this type of tactic contradicted precision doctrine’s definition of target choice. Originally, Arnold maintained a firm stance that incendiary weapons should not be used against cities, as the British did in Europe. Arnold responded to an officer who had recommended incendiary-bombing entire Japanese islands early in the war against Japan, that incendiary attacks against Japanese cities ran contrary to national policy, which was to attack military objectives. So in the beginning at least, the AAF maintained similar attitudes toward this method in the Pacific as it did in Europe.

However, there is no better indicator of the Americans’ original attitudes towards incendiary weapons than the contrast between American and British actions during the RAF’s fire raids against Hamburg and Dresden in Germany. During both of these raids, Americans prioritized destroying precision targets with high explosive bombs. The British, meanwhile, prioritized destroying area targets, sometimes of questionable military importance, with incendiary weapons. The Americans played a specifically supportive role for the British in both of these cases, by using daylight precision raids to eliminate strategic targets that the RAF had not destroyed, rather than dropping any major incendiary bomb loads themselves. These missions represent the same contrast in thought as the original bombing strategy philosophies after World War I. On the one hand, precision bombing focused on specific objectives, and on the other, British attacks against urban areas recalled the primary elements of Douhet and Mitchell’s theory, to bomb “vital centers” of the civilian population.

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43 Hastings, Retribution, 283.
During the bombing of Hamburg, over a period of several days in late July 1943, the Americans were interested in bombing the city’s military complex, while the British were interested in bombing the city itself. The British responsibility during the Hamburg raids was nighttime area raids with incendiary bombs, and the Americans followed up with daytime precision attacks on specific targets. The RAF’s most notable performance at Hamburg occurred the night of July 27, 1943. The weather that night allowed for a conflagration, or firestorm, to ensue. A conflagration caused by incendiary weapons is a huge, uncontrollable blaze that can reach extraordinary temperatures, create flames hundreds of feet tall, and hurricane force winds. This firestorm burned at such high temperatures that rescue teams would not be able to search the city streets for two days following the raid.

The damage caused by the Americans and the British respectively during this raid is revealing. On the one hand, the first American follow up raid focused on Hamburg’s harbor district, and was successful in damaging the city’s port. In other words, the Americans’ precision technique successfully eliminated their chosen military objective. However, while the RAF created a large amount of damage, it appears that little they destroyed possessed strategic importance. Maps documenting where RAF bomb loads were dropped reveal that the British targeted almost entirely residential areas. And Hamburg was a city in which the industrial and residential areas were clearly separated. The total death count for the Hamburg fire raid was upwards of 40,000 victims, an estimated 1% of which were the result of American

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44 The Bombing of Germany, directed by Zvi Dor-Ner (Boston: WGBH, 2010), DVD.
45 Taylor, Dresden, 131-33.
47 Ibid., 178.
bomb runs.\textsuperscript{48} So, the amount of civilian collateral damage created during this raid seems to be inversely proportional to the number of strategic targets each air force actually eliminated. Although, it is unclear to what degree American generals recognized this.

During the Dresden fire raid, between 13 and 15 February 1945, the British firebombed the city with 244 Lancaster bombers, 500 tons of high explosive bombs, and upwards of 375 incendiary bombs.\textsuperscript{49} In popular imagination, Dresden has been considered an entirely civilian target that lacks any military importance due to its cultural value to Europe. However, it may have been a more valuable target than those who originally studied this bombing raid thought. For one, the city served as an important transportation hub between different parts of Germany. It also had the potential to be used as a major line of retreat after the Eastern Front, where the Germans were engaging the Russian army, collapsed.\textsuperscript{50} This aside, the American and British tactics during this raid continued to represent a division between precision and Douhetian techniques, and therefore a division between targeting legitimate military objectives and civilian morale.

While both the AAF and RAF acknowledged the military value of Dresden, only the AAF’s target choice spoke directly to the city’s strategic importance. British interest in Dresden as a target was stated to be a result of the city’s significance to the German transportation network.\textsuperscript{51} Yet, the RAF’s target assignment for the raid was listed as “town area,” and included Dresden’s cultural center. By contrast, the AAF’s

\textsuperscript{48} Schaffer, \textit{Wings of Judgment}, 64; Taylor, \textit{Dresden}, 143.
\textsuperscript{50} Ibid., 184.
\textsuperscript{51} Ibid., 181.
assignment included precision targets that spoke directly to transportation and had clear military importance, such as marshaling yards and railways. Additionally, the British were interested in maximizing the total destruction caused to the city. The British aspect of the raid was structured as a “double blow.” After the first raid, which created a firestorm, three hours later British planes would sweep over the city again to disrupt the work of firefighters and first responders.

After Dresden, civilians and military leaders on the American home front raised ethical questions about the attack. Dresden was a public relations debacle and became the source of popular condemnation. In the bombings’ wake, newspapers began to run headlines that described Allied actions as “terror bombing,” after an Allied officer issued a poorly worded statement to the press. Such a large public commotion erupted after Dresden, that U.S. Secretary of War Henry Stimson requested an investigation into the raid. This is not to say the American commanders were as appalled by these raids as the public, however. In response to the proposed investigation, Arnold communicated to Stimson he believed war would inherently be destructive and cruel, and that the Americans could not be shy to this reality.

However, several weeks after Dresden, the U.S. restated that only military objectives were viable bombing targets, and as the war progressed American bombing would become increasingly tactical.

The significance of the British firebombing raids, especially Dresden in light of its public reception, is that the conduct of the raids raised ethical questions for

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52 Ibid., 182, 204.
53 Ibid., 205, 10.
55 Ibid., 116-18.
Americans, both military and civilian — although to different extents, and for different reasons. Military leaders who objected to area bombing at times did so as a matter of efficiency. But, this does not change the fact that precision bombing doctrine was originally motivated by moral purposes. So, although in battle AAF generals’ primary concern in Europe may have been efficiency, the origin of precision doctrine was rooted in moral concerns, and was designed to avoid creating unnecessary civilian casualties. On the other hand, British area bombing of Germany was rooted in Douhetian concepts of warfare, and motivated by their nation’s pain, rather than morality or efficiency. It is this distinction that raises concerns about British area bombing: their methods were not tactically motivated, and therefore did not pursue legitimate, or necessarily lawful, military objectives.

The British fire raids stirred ethical questions among the American public for the same reason Billy Mitchell’s Douhetian ideas on aerial warfare did. Dresden appeared to be an unprincipled slaughter of civilians. While both Hamburg and Dresden could both be argued to possess legitimate military targets, the British incendiary raids did not aim for these targets. This is clear because the Americans did aim for these military targets, which provides concrete evidence this was a less harmful, alternative option for the British to pursue during this raid. The British had officially begun to pursue a Douhetian way of bombing. In order to hasten the defeat of Germany, “vital centers” such as the Hamburg residential area and the Dresden cultural center were bombed for the express purpose of degrading the German people’s will to fight. But, especially in comparison to the results the Americans
achieved through precision-bombing targets in these cities, the British incendiary raids were comparatively ineffective.

“Bomb and burn ‘em till they quit.”

Despite the stark contrast between American and British bombing methods in Europe, the unique pressures caused by the war in Japan created a political climate that allowed the Americans to embrace incendiary bombing only a month after the bombing of Dresden and the AAF’s public reaffirmation of precision bombing doctrine. This occurred without so much as a whisper of doubt.

American frustration at Japanese tenacity in the face of defeat penetrated the AAF, just as it did the armed forces at large over the course of the war. AAF leaders grew increasingly frustrated by the Japanese as the war progressed. One air commander, George Kenney, commander of the AAF in the Southwest Pacific Area, believed that people on the home front underestimated the Japanese “win or perish” psychology. On top of his ideas about Japanese ruthlessness, he argued the U.S. must pursue a “crusading spirit or religious fervor” to conquer this enemy.56 Other leaders developed similar attitudes as a result of the specific information available to air officers.

The Air Corps Tactical School taught about Japanese atrocities toward Allied POWs, such as the Bataan Death March, the ground transport of Allied troops after the fall of the Philippines, and the beheadings of the captured flyers who crashed during Doolittle’s raid on Tokyo in 1942. General Spaatz noted after the war that American air leaders had an “urge” to bomb Japan in a way they had not experienced

56 Ibid., 121.
in Germany. And, General Hansell recalled that there was a general feeling among air commanders that the Japanese were “subhuman.” He speculated this may have spurred General Eaker and General Curtis LeMay, the commander of XXI Bomber Command who ordered the incendiary bombings of Japan, to believe the Japanese had forfeited some of their rights as human beings. These thoughts demonstrate the level to which negative sentiments had risen toward the Japanese by the end of the war.

Additionally, as frustration at the Japanese increased within the AAF, the line between Japanese combatants and civilians began to fade. Toward the end of the war, the Japanese organized the People’s Volunteer Corps, which made men fifteen to sixty and women seventeen to forty liable for defense duties. This caused the Fifth Air Force intelligence to announce that there “are no civilians in Japan.” Curtis LeMay in particular had become desensitized toward Japanese civilians. Reflecting on the incendiary bombings of Tokyo years after the war, LeMay commented that there was no point in killing civilians for killing’s sake, even though in Japan the line between civilians and combatants was thin, according to him. He believed that the whole population had come together to build war munitions. While some Japanese had begun to subcontract war industry from their homes by 1945, this was not a widespread habit among the population.

As the Japanese struggle against defeat heightened the pressures on American armed forces, American leaders began to search for new methods that could quickly end the war and mitigate the cost of a land invasion. Researchers for the American

57 Schaffer, Wings of Judgment, 153.
58 Crane, Bombs, Cities, and Civilians, 136.
59 Ibid., 133.
military began to investigate large-scale incendiary bombing for its perceived potential to accomplish these goals. Japan’s vulnerability to fire raids was common knowledge, as a result of the country’s predominantly wooden architecture. Several investigations in 1944, led by advisory groups for the AAF, endeavored to determine whether firebombing would be able to meet the American’s specific goals in Japan. This investigation specifically questioned whether these weapons would bring the Japanese people to a “breaking point,” the point at which morale was completely crushed, and attempted to define specifically what level of physical damage these weapons could cause in Japan. Suddenly, the Americans’ approach to the Japanese civilian population looked far more similar to the British treatment of Germans.

U.S. investigations into incendiary-bombing Japan began specifically in response to the pressure to end the war quickly. Raymond H. Ewell, a chemist working for the U.S. military and a leading proponent of incendiary-bombing Japanese cities, adamantly expressed to military and air force leaders that incendiary-bombing Japanese cities could be the “key to accelerating the defeat of Japan” and could save thousands of American lives.

Both LeMay and Arnold believed that incendiary bombing as a tactic could circumvent the need for a land invasion and save American lives, as well. Prior to the first incendiary attacks on Japan, LeMay said that if the raid went as planned, it would shorten the war. LeMay was also adamant that this tactic would minimize the need for a land invasion, which he was certain would carry a great cost in

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60 Ibid., 126.
61 Schaffer, Wings of Judgment, 122.
62 Ibid., 120.
63 Ibid., 128.
American life.\textsuperscript{64} Similarly, Arnold believed that this method would destroy Japanese war-making capabilities to a large enough extent to save many American lives in the long run.\textsuperscript{65}

So, on the night of March 9 to 10, 1945, the political climate in the Pacific was such that Curtis LeMay was empowered to order Operation Meetinghouse from Allied airbases in the Marianas. This was the first incendiary bombing raid against Japan, and would be considered the first successful bombing raid launched from the Marianas since the fall of Saipan. Meanwhile, the Marines were fighting their way across Iwo Jima, and the Allies had not yet landed on Okinawa. The young commander ordered a squadron of B-29 Superfortresses to bomb Tokyo. The B-29 was a bomber of massive proportions for World War II, and was intended to be the crown jewel of the U.S. Army Air Force. This mission would be the first time the plane would live up to its potential.

LeMay invented a radical tactic for this mission: he ordered the planes to be stripped of all defensive armor and that pilots fly at unusually low altitudes. This tactic’s intention was to counter the effects of Japanese weather patterns that had been causing American air missions over the main islands to fail. It also intended to optimize the use of B-29 technology, which tended to glitch at higher altitudes.\textsuperscript{66} The airmen under LeMay’s command believed this was a suicide mission. They thought this new method would make them massively vulnerable to enemy flak.\textsuperscript{67} Before takeoff, the flight crews had no way of knowing the AAF would celebrate their work

\textsuperscript{64} Crane, \textit{Bombs, Cities, and Civilians}, 133.
\textsuperscript{66} Tillman, \textit{Whirlwind}, 135.
\textsuperscript{67} Hastings, \textit{Retribution}, 297.
upon returning to the Marianas, and that only 14 of the 325 aircraft airborne, about 4.4%, would be lost.\textsuperscript{68}

Curtis LeMay possessed a unique personality among the AAF commanders. On the one hand, he was renowned for his skill and ingenuity. In Europe, he built a reputation as one of the best officers in the Eighth Air Force. Earlier in the Pacific, he impressed his superiors by quickly revitalizing XX Bomber Command in India by implementing new training programs and tactical methods. His accomplishments in the Pacific led to a quick succession of promotions. Arnold promoted LeMay to lead XXI Bomber Command out of the Marianas, which was responsible for B-29 campaigns against the Japanese mainland.

In addition to his professional prowess, LeMay was also known for his ruthlessness. His subordinates referred to him as “Iron Ass” for his cool attitude and drive.\textsuperscript{69} In terms of his attitude towards strategy, he is known to have said that it is “nuts” for a soldier to consider morality because a “soldier has to fight.”\textsuperscript{70} In regard to the incendiary bombing campaigns, he once said, “Bomb and burn ‘em till they quit.”\textsuperscript{71} This statement revealed one of LeMay’s foremost purposes in planning the fire raids: to persuade the Japanese to finally surrender.

On March 9 to 10, each B-29 crew dropped between 10,000 to 14,000 pounds of primarily incendiary bombs over Tokyo.\textsuperscript{72} The airmen got in and out of the city with barely any sight of enemy fighters. Meanwhile, on the ground, a conflagration

\begin{footnotesize}

\textsuperscript{69} Hastings, \textit{Retribution}, 287.


\textsuperscript{71} Hastings, \textit{Retribution}, 296.

\textsuperscript{72} Ibid., 297.
\end{footnotesize}
began. The incendiary bombs had been deliberately dropped to instigate just such an event. The conflagration created hurricane-force winds, and the temperature in places exceeded 1800 degrees Fahrenheit on the ground. The fires spread quickly across residential areas, making quick work of the wooden Japanese architecture.\textsuperscript{73}

The stated targets of the incendiary attacks against Japan were consistent with American precision bombing doctrine: Japanese industry and manufacturing. Just as how the doctrine was practiced in Europe, the incendiary raids in Japan claimed to target civilian morale by devastating the enemy’s economy. However, these targets were concentrated in urban areas, so civilians almost necessarily suffered as collateral damage. Arnold explained to other American officials that the Japanese dispersal of industry made it much harder to separate military from civilian targets in Japan than in Germany.\textsuperscript{74}

While Germany concentrated their industry into military-industrial complexes that were relatively separated from residential areas, Japanese industry was generally dispersed throughout cities, and therefore throughout residential areas. So while Arnold was correct, many of the assignments listed in the incendiary mission reports read in a similar fashion to the British targets in Hamburg and Dresden. Like the RAF portion of both European fire raids, the incendiary mission reports from Japan made it plain that a substantial number of “residential areas” were destroyed in addition to industrial targets. Additionally, just as “town area” had been the RAF’s target in Dresden, the AAF aimed for the urban area of Tokyo.\textsuperscript{75}

\textsuperscript{73} Ibid.; John Toland, \textit{The Rising Sun: The Decline and Fall of the Japanese Empire, 1936-1945} (New York: Random House, 1970), 673.
\textsuperscript{74} Crane, \textit{Bombs, Cities, and Civilians}, 135.
\textsuperscript{75} XXI Bomber Command, \textit{Mission No. 40}.
The AAF targeted around sixty Japanese cities with incendiary bombs between March and August 1945, until the Japanese surrendered. Tokyo alone was revisited numerous times: after the initial raid against Tokyo, LeMay’s forces came back for another round on April 13 and 15, and again in May to destroy the remaining portions of the city. By the end of the war, over 51% of Tokyo had been destroyed. The raids wiped out infrastructure and medical facilities. Hundreds of thousands had died in the wake of the fires’ destruction, and a greater number were homeless. On the March 9 raid alone, 100,000 people were dead, and a million became homeless. The long wait to reach the Japanese mainland via air power appeared to be moot: within a matter of months, LeMay achieved a scale of destruction in Japan that had taken years to achieve in Germany.

Yet, the questions raised after the RAF incendiary bombings of Dresden were not heard after Tokyo a month later. In fact, LeMay’s raids had not created enough damage to prevent serious casualties in the event of a land invasion of Japan. However, this did not stop the AAF from celebrating Curtis LeMay’s bombing raids as an astounding triumph, because they believed that these actions would finally force the Japanese to surrender. Arnold wrote LeMay that these raids would convince the Japanese that their continued resistance was a “futile struggle.” And, the press did not report on the AAF transition to “terror bombing” tactics in the Pacific, as they had for the European theater, but simply reported the huge amount of damage that was recorded after these raids without any moral judgment attached to these numbers.

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76 Tillman, Whirlwind, 172.
77 Hastings, Retribution, 305.
78 Schaffer, Wings of Judgment, 137.
The morality of the bombings in Japan was never discussed in American newspapers, as it was after Dresden and the atomic bombs.\textsuperscript{80}

4. Conclusion: The Question of Incendiary Bombing in Japan

The pressures to end the war quickly in the face of Japanese tenacity, and to save American lives threatened by a land invasion of Japan, had transformed a strategy the Americans refused to consider in Dresden less than a month earlier — large-scale incendiary bombing of urban areas — into a reality. The decision to incendiary-bomb Japanese cities mirrored the RAF’s role in the bombing of Hamburg and Dresden. Like both of these raids, industrial objectives were listed as the stated targets, but large swaths of urban centers were destroyed in reality. Additionally, unprecedented numbers of civilian casualties were recorded without a clear military benefit to show from the destruction. And finally, both of the raids were created with the intention of placing pressure on their enemy to force surrender.

But despite these similarities, and the obvious intensification of war making in the Pacific, did Curtis LeMay transition the AAF toward Douhetian warfare and unnecessarily risk the lives of civilians by bombing “vital centers,” as appears to have happened with the incendiary raids in Europe? There were more obstacles in the Pacific that could have naturally increased the risk of civilian collateral damage during these raids than there were in Europe. In Germany, the military complexes and industry were clearly separated in cities from the residential areas. In Japan, industry was scattered throughout the city, and through densely populated areas. Additionally, the Americans found success precision-bombing Germany for the

\textsuperscript{80} Hastings, Retribution, 309.
entirety of the war in Europe. In Japan, however, all AAF attempts to hit targets before LeMay’s fire raids failed for various reasons, including weather — despite the Allies’ ability to bomb Japan ever since the capture of Saipan in 1944.

However, these difficulties cannot by themselves justify the amount of death and destruction caused by the incendiary raids on Japan. In order to determine whether LeMay appropriately adapted precision doctrine to meet the unique requirements of war with Japan, or had adopted a more ruthless, Douhetian version of air warfare that purposely targeted civilians, the line between accidental killing of civilians that is justified by the requirements of warfare, and cruel, needless civilian deaths must be clarified. This requires a deeper understanding of how the law of war defines justifiable and illegal civilian deaths, as well as a more nuanced investigation into the pressures that caused the Americans to actually choose to incendiary-bomb Japan. However, it is clear that no matter how these questions are answered, by 1945 the pressures caused by the war in the Pacific allowed the Allies to change their opinions on incendiary bombing. What appeared to be inefficient in Europe, now presented itself as a potential solution to the problems caused by war with Japan.
Chapter Three

Unnecessary Suffering: Defining Unjustifiable Civilian Casualties

1. Introduction

As a result of the fire raids against Japanese cities in World War II, hundreds of thousands of civilians died and countless lost their homes. However, it is not clear if this large amount of civilian casualties occurred because the Americans aimed for “vital centers,” just as the British did against targets in Europe, or if this occurred as a byproduct of military necessity. The raids’ stated objectives were the destruction of the Japanese economy, which was the same objective the Americans pursued during precision raids on specific targets in Europe. And, because the Japanese dispersed their industry among the civilian population, potentially any bombing raid on the Japanese mainland might have accidentally killed scores of civilians. Lastly, Curtis LeMay, commander of XXI Bomber Command in the Marianas and planner of the fire raids, and Henry “Hap” Arnold, Commander of the AAF, believed that this action was necessary to end the war, because the Japanese refused to surrender. If this action was necessary, could it be illegal?

To resolve this issue, a line must be drawn between unjustifiably killing civilians — a war crime — and when civilian deaths are a distasteful but ultimately justifiable byproduct of war. This chapter’s task is to define such criteria. The following section will identify the concept of “unnecessary suffering” as the relevant war crime to evaluate the legality of civilian deaths in war, based on historical and traditional ideas of civilian legal protections in war. The first section will also
identify the principles of unnecessary suffering, which will become the analytical framework to assess the legality of civilian deaths. The next section will use hypothetical scenarios to refine the principles of unnecessary suffering into even more precise and actionable guidelines. The last section will synthesize the discussion to draw a clear line between what actions may justifiably result in civilian collateral damage, and when killing civilians is a war crime.

2. The Line Between Military Advantage and Unnecessary Suffering

_Tension within the Law of War_

The law of war is rife with tension. While the modern law of war comes to a consensus that civilian life should be protected, it is evident that civilians may well become victims of warfare. International Humanitarian Law (IHL) is a body of law composed of the traditionally recognized rules regarding law in war, or _jus in bello_. IHL aims to legalize the idea that a human person is the highest value unit when analyzing war, and the protection of human dignity is a core element of this body of law.¹ IHL comprises a variety of documentation, including the Hague Conventions, some of the first examples of armed conduct-related treaty law to emerge at the turn of the twentieth century; the Geneva Conventions of 1949 and their later Additional Protocols, which were the international response to the carnage of World War II and the development of warfare throughout the last century; and the Rome Statute, a treaty that acts as the International Criminal Court’s official governing document.

Modern IHL views civilians as worthy of protection because they are not considered to be belligerents during the conduct of warfare, and civilians only lose their protections if they participate in hostilities and their actions clearly contribute to harm.\(^2\) The foundation of IHL is that civilians possess an inherent value, and so are considered noncombatants by default.

However, many major components of IHL recognize that the protection of human life in warfare is limited by the conduct of war itself. Many IHL documents use diction that acknowledges these limits. The International Committee of the Red Cross (ICRC), a leading organization that educates on and advocates for IHL, defines IHL as a set of rules that aims to minimize the effects of warfare to protect those who do not participate in hostilities, and to restrict the means and methods of war.\(^3\) The word “minimize” acknowledges the reality that harm will come to civilians in war, but that law can ameliorate war’s consequences — if the ICRC believed civilian protections could be guaranteed, they might have used “eradicate,” or similar terminology. Furthermore, Article 57 of the Additional Protocol I to the Geneva Convention states that one must do everything feasible in war to protect the civilian population.\(^4\) The word “feasible” also acknowledges that it may not always be practical to protect the civilian population.

A dichotomy exists. On the one hand, an action in war cannot be condemned simply because civilians are killed — otherwise war itself would be illegal, which has


not been a practical possibility at any political moment. On the other, the fact that
civilian deaths may realistically occur is not a blanket justification for all civilian
deaths over the course of a war. The solution to reconcile civilian protections and
practical military decisions is to determine exactly when collateral damage to civilian
populations is justifiable, and when it is not. Collateral damage is damage done to
persons or property incidental to the achievement of a military objective. Otherwise,
the argument that justifies civilian deaths becomes the simple completion of a
mission, which sounds like war for war’s sake. The concept of “unnecessary
suffering,” which has emerged in the modern law of war, is the means to resolve this
tension because, although the idea recognizes that harm to civilians may realistically
occur, this harm will not be the result of needless actions.

A Practical Resolution

Any resolution to the tension between the law and realities of war must be
framed in actionable ways that one can expect to be reasonably executed in a real-life
situation. The importance of actionable guidelines is demonstrated by attempts to
address this problem with moral imperatives, which have failed to produce tangible
solutions. Michael Walzer, a leading philosopher in the field of war crime theory,
constructed a theoretical idea called a “supreme emergency.” This is a crisis situation
that would arise when a sovereign’s people are threatened to such an immense degree
that a nation may violate the laws and customs of war to defend its citizens. This
breach of law may include deliberately killing enemy civilians.\(^5\) However, Walzer

does not produce any criteria to determine what situation could accurately be characterized as a “supreme emergency.” The only guidelines he provides are that the law of war may be breached when disaster will imminently befall a political community, and that his preferred moral doctrine in war is that one should do justice until “the heavens are really about to fall.”

Also, Walzer unhelpfully chooses examples that he does not believe were supreme emergencies to explicate the concept in depth: the British bombing of German cities and the atomic bomb at Hiroshima. The one example he identifies as a candidate for a supreme emergency, the threat of Nazism, he dismisses as outside the scope of his book. So, he does not even provide a practical scenario from which the readers can derive their own criteria to gauge what is and is not a supreme emergency, because he defines the concept by what it is not rather than what it is. In sum, Walzer’s idea is that civilians should always be protected in war, except that there might exist a situation when it is okay to target the enemy population.

In contrast, the concept of “unnecessary suffering” provides actionable guidelines to protect civilians by reasonably limiting conduct in war, and thereby resolve the tension within IHL. This concept is prominent in the traditionally significant war crime legislation, and draws a line between appropriate and inappropriate collateral damage in warfare. It designates any harmful action that is not required to complete a proper mission as illegal. Many of the major documents on the law of war cite the concept of “unnecessary suffering” explicitly by name, and discuss it implicitly by description, as a specific type of prohibited action.

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6 Ibid., 231, 68.
7 Ibid., 253.
8 Ibid., 261, 67.
Unnecessary suffering prohibits any action, regardless of intent, that causes harm to civilians that did not need to occur to complete a military task. One way to cause unnecessary suffering is by deliberately causing harm to another in war. Article 147 of the Fourth Geneva Convention of 1949 prohibits any type of crime that is “wilfully [sic]” committed, meaning committed with intent to cause harm. The Hague Conventions on the Laws and Customs of War on Land of 1907 also explicitly prohibit actions with the specific intent to cause unnecessary suffering. The 1907 Hague Convention states under Article 23 that it is “especially forbidden...To employ arms, projectiles, or material calculated to cause unnecessary suffering.” Torture is an example of deliberately caused unnecessary suffering, and is regulated under the “grave breaches” section of the Fourth Geneva Convention. So, any weapon or method used to create harm for harm’s sake is illegal.

However, an action need not deliberately cause harm in order to create unnecessary suffering, meaning unnecessary suffering can result without the intent to inflict harm. Article 35 of Additional Protocol I states it “Prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.” Under Article 8 of the Rome Statute, weapons and methods that cause unnecessary suffering are prohibited by nearly the same language as used in Additional Protocol I. These specific prohibitions do not

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11 IV Geneva Convention, 287, 221.
12 Protocol Additional, 258.
specify that the *intent* to cause harm is required to make these actions illegal. Rather, they are illegal simply because a person causes unnecessary suffering at all. For example, this type of unnecessary suffering could occur if an attack accidentally destroyed a school building or hospital as a result of an avoidable miscalculation, such as choosing an inappropriate weapon or failing to provide a warning to civilians.

Additionally, the law of war emphasizes that any action that does not contribute to a war effort’s progress will create unnecessary suffering. The “Grave Breaches” section of the Rome Statute, and the original definition of grave breaches in the Geneva Conventions, specify that actions that deliberately cause extensive destruction and are not justified by military necessity create unnecessary suffering.\(^{14}\) However, an action that was not calculated to create excessive harm is also considered illegal if it is not justified by military necessity. Additional Protocol I states that attackers must take every feasible precaution to prevent excessive loss of civilian life in relation to a prospective military objective, or cease an attack if it becomes apparent there is no military objective at stake that will help the war effort progress.\(^{15}\) So, in order to be legal, all actions must be justified by military necessity. And, one can either deliberately or irresponsibly fail to meet this standard.

The concept of *mens rea*, the intent to commit wrongdoing, clarifies exactly what is and is not required to constitute as unnecessary suffering. The Geneva Conventions’ and the Rome Statute’s description of unnecessary suffering illustrates that this crime can be caused in association with various degrees of intent, similarly to ordinary criminal law. The idea of a purposeful transgression from ordinary criminal law.

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\(^{14}\) Ibid., 5; Crowe, *War Crimes*, 318.

\(^{15}\) Protocol Additional, 269.
law, corresponds to the idea of “wilful killing” in IHL.\textsuperscript{16} In the Hague Conventions, “wilful killing” suggests that one is required to purposefully commit wrongdoing for unnecessary suffering to be created. However, while the Geneva Conventions and Rome Statue allow for deliberate unnecessary suffering under the “Grave Breaches” section, these documents also allow for the possibility that unnecessary suffering may occur regardless of intent to create harm.

In terms of intent, the flexibility of the Geneva Conventions and the Rome Statute reflects ordinary criminal law, in which there are several degrees of intent that determine one’s level of culpability for a crime. In ordinary criminal law, one will always be considered guilty for a crime, no matter if it was committed deliberately or accidentally. For instance, were a man to intentionally kill another with a gun, or accidentally kill another in a drunk driving accident, this man would be guilty in both cases. But, his degree of culpability would be different in each case, because one act was intentional and one accidental.\textsuperscript{17} As a result of these similarities, one can infer that, in order for unnecessary suffering to be a crime, excess harm to a civilian population must be caused in some way. However, the creation of excess harm need not be intentional. No matter what a person’s motives are in causing excess harm, the action will always be illegal as long as unnecessary suffering occurs.

\textit{The War Crime of Unnecessary Suffering}

Unnecessary suffering can be created in three particular ways, which are consistent with three traditionally prominent principles that govern the law of war.


First, unnecessary suffering can be caused by indiscriminate action. This idea is formally conveyed by the “principle of discrimination,” which is the requirement that one aim towards specific targets with reasonable accuracy. This principle has been historically documented since at least the Hague Conventions of 1907, which forbade laying automatic submarine contact mines because they could not be controlled to hit a particular target.\(^{18}\) Under Additional Protocol I, indiscriminate attacks are expressly prohibited, and are defined as attacks that are not directed against a particular military objective, or an attack that uses a weapon or method that cannot be directed effectively toward an objective.\(^{19}\)

The first way indiscriminate action can create unnecessary suffering is when inappropriate targets are chosen. Inappropriate targets create unnecessary suffering because they do not provide a military advantage. An appropriate target must provide an “effective contribution” to military action, as well as a “definite military advantage,” rather than potential or indeterminate advantage.\(^{20}\) Additional Protocol I uses the distinction between “civilian objects,” which are forbidden targets, and “military objectives,” which are acceptable targets, to clarify what types of targets provide a military advantage or not.\(^{21}\) According to this document, military objectives, “by their nature, location, purpose or use, make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in


\(^{19}\) Protocol Additional, 265.


\(^{21}\) Protocol Additional, 117.
the circumstances ruling at the time, offers a definite military advantage.” Civilian objects are defined simply as those that are not military objectives.22

By these standards, an enemy tank is a military objective, and possesses a military advantage, because its destruction will allow soldiers to progress toward their ultimate objective with greater ease. However, a normally functioning hospital would be a civilian object, and an inappropriate target, because its destruction would not improve an army’s ability to fight, nor hinder the enemy army’s ability to wage war. The destruction of a hospital only results in civilian deaths without any military advantage to justify accompanying collateral damage. So, aiming discriminatedly means aiming specifically at military objectives.

Indiscriminate action can also cause unnecessary suffering if inappropriate weapons or methods are chosen. In this case, unnecessary suffering results because collateral damage could have been limited had a different weapon been chosen, a weapon been employed differently, or an alternate method been chosen. Tactics may be indiscriminate if one cannot control exactly what targets will be hit. In terms of weapons, an example of a commonly recognized indiscriminate weapon is chemical gas, because it cannot be aimed towards a specific target. In terms of method or use, Additional Protocol I considers indiscriminate acts to include an attack on clearly separate objectives that have been conflated into a single objective in any type of populated area.23 This could be the conflation of several enemy headquarters in a nation’s city to be targeted as “Administrative Center,” rather than each targeted separately as Headquarters 1, 2, and 3. So, one must aim specifically at a chosen

22 Ibid., 266.
23 Ibid., 265-66.
target, as well as with a sufficient degree of control that will create reasonable accuracy.

The second traditional way to cause unnecessary suffering is by disproportionate action, governed by the “principle of proportionality.” Disproportionate action can cause unnecessary suffering when the harms, meaning collateral damage, outweigh the military benefits associated with an action. When this is the case, the objective did not warrant the degree of collateral damage inflicted to destroy it. According to this principle, even if an action achieves the relevant benefits associated with the target, the action is considered illegal if the destruction is excessive in comparison to the benefits.²⁴

Article 51 of Additional Protocol I also helps to define this principle by highlighting that the damage used to destroy a target must not be excessive relative to the target’s expected military advantage. Additionally, this document states under Article 57 that an attack should be halted if it comes to light it will “cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”²⁵ So, one must actively consider the benefits and harms that will result from an action, both before proceeding with the action, and during the operation itself.

The principle of proportionality represents a condition, not a quantity. Proportionality does not measure the balance between benefits and harms in quantitative terms. For instance, proportionality does not make statements such as an

²⁵ Protocol Additional, 265, 69.
action’s harms outweigh its benefits if it creates at least a million dollars worth of collateral damage, or if there are twice as many harms as benefits. Rather, it describes the quality of imbalance that arises when an action could have reasonably been performed in a less harmful way. For example, using an atomic bomb to destroy a single tank would be disproportionate not because a whole city was destroyed, but because a whole city was destroyed when only the force of one squad and a few grenades would have eliminated the same objective at a much smaller cost of civilian life.

So, according to proportionality, collateral damage is not inherently wrong. In fact, it may be necessary for an action to cause some collateral damage in order to achieve certain benefits.\(^{26}\) For example, an air force may need to bomb a warehouse by a dockyard that enemy generals have converted into a headquarters to plan key troop movements, because this will allow the military to stage their final assault and win the war within the month. This action must be accomplished despite the fact that other non-military warehouses and dockworkers are destroyed or hurt in the blast. This emphasizes the fact proportionality should be interpreted contextually.\(^{27}\) In other words, the same action that causes disproportionate harms in one scenario may be proportionate in another, depending on the benefits, and vise versa.

Finally, the third way unnecessary suffering can be created is if one could have pursued an alternative, less harmful course of action to reduce collateral damage and achieve the same advantage, or comparable advantage, as the more harmful original choice, and did not. This corresponds to the “principle of necessity.” This

\(^{26}\) Schmitt and Widmar, "On Target,” 405.

\(^{27}\) Hurka, "Proportionality and Necessity,” 135.
concept has been recognized since at least the St. Petersburg Declaration of 1868, one of the first international documents on the conduct of war, which stated that the pursuit of military necessities should consider the “requirements of humanity.” This principle is in some ways similar to proportionality; however, instead of evaluating how unnecessary suffering may result from the pursuit of a single objective, it also considers the advantage a particular objective yields, and other methods to achieve this advantage. So, while proportionality might describe the action of creating collateral damage as excessive if one bombed an entire neighborhood to destroy telephone lines and disrupt the enemy’s communication system, necessity would ask what other strategies are available to disrupt the enemy’s communication system. Or, it might ask what other tactics, for instance destroying an enemy’s supply lines, will hinder the enemy’s war effort to an equivalent extent or achieve the same advantage?

An essential aspect of this principle is that if no military advantage exists in association with a particular action, the action is illegal because it serves no military purpose, and is therefore needless. This is consistent with the other principles’ definitions. Furthermore, this idea has been codified in modern documents. Additional Protocol I states that if one has a choice between several objectives that will all provide a similar advantage, one has to make the choice that impacts civilians the least. Therefore, military necessity can lead to unnecessary suffering in the most literal sense, because it is violated when an action that may never have needed to occur creates collateral damage.

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30 Protocol Additional, 269.
3. **Drawing the Line: Unnecessary Suffering in Practice**

In order to understand the law of unnecessary suffering, these principles must be transformed from the abstract to the practical. Defining each of the three principles of unnecessary suffering with several sub-principles will help identify how these ideas should be followed in practice — especially how they should be followed when complex scenarios arise over the course of war. Hypothetical scenarios will be used to illustrate how the abstract principles for each scenario are applied in practical situations. This will help create a concrete set of guidelines that allow moral and normative judgments about war to be practically achieved in war.

*Discrimination*

An action causes unnecessary suffering via indiscriminate action if one does not control a weapon’s impact to the extent possible given the prevailing circumstances, and/or chooses a target that does not provide a military advantage. To understand exactly how violating discrimination creates unnecessary suffering, two key aspects of this principle, “specific target” and “reasonable accuracy” must be explicated. This section begins with basic examples of military encounters in order to illustrate this principle’s foundation clearly. This will allow the principle of discrimination to be applied to more complicated scenarios later.

Begin with this simple scenario: a soldier shoots an enemy soldier with a conventional rifle. This is a one-on-one encounter that occurs in a remote location. The soldier chose one particular target: the enemy soldier. The enemy soldier is
clearly a military objective, because his death will inhibit the enemy’s ability to wage war. The soldier also aimed with reasonable accuracy towards her target. Her rifle fired a single bullet that travelled in a straight line, unobstructed, towards her target. The rifle’s technology specifically enabled the bullet to travel in the direction the shooter aimed. So, this action is legal because she was able to aim for a specific target with reasonable control as a result of her weapon choice.

However, the less manual control a soldier has over what target her weapon will destroy the less accurately her weapon will perform. Suppose now that the soldier has a choice to use either a rifle or an anti-personnel land mine to complete a mission, and she chooses the land mine. She still chooses to aim for the same, specific military objective, an enemy soldier. However, she cannot control exactly when the land mine will detonate or what the mine will destroy due to the weapon’s nature: land mines detonate on physical contact, not through user control, such as a rifle’s trigger. So, use of a landmine carries a high risk of inaccurate performance, because she cannot control when it will detonate or what it will eliminate.

In some cases, the soldier may be able to predict that if she plants the mine on a supply route enemy soldiers are sure to traverse, enemy soldiers — her targets — are more likely to step on the mine. However, she cannot guarantee the exact steps any enemy soldier might take to step on the mine directly. So, she decides to lay the mine in a relatively rural area where likely only enemy troops are at risk of falling victim to the weapon. However, were a civilian to find their way to the mine’s location for any reason, he might fall victim regardless of whether there is an ongoing battle or even if the war is over. So, if a soldier relinquishes control of exactly what
target her weapon will eliminate, she greatly increases her risk of aiming inaccurately. Therefore, laying mines is always indiscriminate because one will never be able to predict exactly when the bomb will detonate, or who will cause it to detonate.

Additionally, if one cannot control the specific trajectory a weapon’s munitions will travel to the extent possible in a given circumstance, the weapon is inherently indiscriminate. Suppose that the soldier acknowledges that landmines are not a suitable weapon choice. So, she chooses to use cluster munitions instead, because she can aim this weapon in a particular direction and choose exactly when it will detonate. Cluster munitions are launched from the ground, and release unguided sub-munitions upon exploding in air. So, she runs into trouble again. While she can choose the general direction she fires this weapon, she cannot choose the direction the sub-munitions will travel. Even if there were only military objectives around to be damaged, these objectives would be destroyed by chance, not because of the soldiers’ controlled aim. Additionally, if the battle zone were located in a residential area, she would not be able to account for any civilian objects that were destroyed: after launching the munitions, the explosives are equally likely to hit a soldier as a civilian because of the weapon’s uncontrollable nature. Even if cluster bombs were the only weapons available, they would be illegal — this circumstance does not change the fact that these weapons are inherently indiscriminate. It is a reasonable expectation that armies should supply their troops with legal weapons. So, it is illegal to use a weapon if it is never possible to control a weapon’s trajectory, even under ideal conditions.
When a soldier misses her mark with a particular weapon, there is a strict line between bad luck and carelessness. In the former case, it is not illegal if the soldier misses her mark because of factors she could not predict, if she did manage the factors within her control. This is significant because even weapons designed to provide precision accuracy, like a rifle, are not guaranteed to accurately hit a target under all circumstances. Imagine the soldier aims for her target over half a mile away with a conventional rifle, and misses and hits a civilian object, such as the window of a house. Uncontrollable factors, such as weather or a moving target, may have caused her to miss even though she was aiming as precisely as she could. So, if she accurately aims at an enemy soldier with a rifle and either the wind sweeps the bullet away from the original target, or he moves to dodge the bullet, she is not liable for the collateral damage. Excess collateral damage was caused when she used the land mine and cluster bomb because she possessed no ability to control her weapon to meet a specific target. However, in this case, she possessed the ability to accurately hit her target, and missed due to factors she could not govern. So, her actions were not illegal.

The above hypothetical scenarios demonstrate the following principle: (1) a weapon’s use is indiscriminate if the risk of collateral damage is inherently caused by the weapon’s design, and/or if one cannot be reasonably certain the weapon will hit a specific target when used properly. In other words, use of a weapon is indiscriminate if one cannot control for collateral damage that is related to proper operation of the weapon. The scenarios demonstrate that a soldier should be able to control when a weapon will detonate or create impact, and what direction munitions will travel in
order to guarantee a direct hit whenever possible. However, collateral damage caused
because of unpredictable factors is not unnecessary suffering because the soldier had
no options available to prevent or limit this damage. So, reasonable accuracy can be
inferred if one can expect to control a weapon to hit a target with minimal collateral
damage in the absence of unpredictable conditions. Collateral damage becomes
excessive if there is a high probability the weapon will damage more than what the
soldier wished to damage, regardless of unpredictable conditions.

To clarify the other essential aspect of the principle of discrimination,
“specific target,” it must be demonstrated that unacceptable targets exist
independently of the war effort and pose no threat to troops or the mission. It is
insufficient to aim only with control at a specific target. As discussed before, a
military objective is one that contributes to the enemy’s war effort, and whose
destruction will result in a definite military advantage. For instance, it is formally
acceptable for a soldier to aim at an enemy soldier with a legal weapon, because
enemy soldiers contribute to the enemy’s war effort. However, imagine in enemy-
occupied territory, a soldier shoots a noncombatant who has stepped out of his house
to mow his lawn. This act is superficially the same as when the soldier shot an enemy
soldier: she aims for a singular and particular target with a controllable weapon.
However, noncombatants are unacceptable targets because they exist independently
of the war effort. A civilian participating in everyday life, outside of the soldier’s
path, poses no danger to either troops or the mission, so hitting him does not provide
any sort of military advantage. In the inverse situation, suppose a civilian picks up a
gun and begins to shoot directly at the soldier. In this case, this person becomes an
acceptable military objective because they are directly contributing to the enemy’s war effort, and pose a direct threat to the mission.

Therefore, the definitions of a civilian object and a military objective have more to do with a target’s use and purpose than with a target’s inherent qualities. There may be circumstances where what would generally be considered a military objective becomes a civilian object and vice versa. Suppose a squad happens upon an abandoned military production facility. While this would generally be a military objective were it operational, at the moment it is not producing any war materiel, so it does not contribute to the enemy’s war effort. Additionally, local children have begun to play hide-and-seek in the facility after school. If the squad were to attack this building, they would not gain any military advantage because the enemy’s productive capacity would remain the same, and they would have put the civilian community at risk because children tend to play in the factory. So, this is illegal because although under normal circumstances this factory would be a military objective, under these conditions it is a civilian object.

A second principle can be derived from the above scenarios: (2) to meet the requirements of discrimination, one must aim for a specific, acceptable target. An acceptable target is one that poses a credible threat to a soldiers’ mission, or that actively contributes to the enemy’s war effort. This is the primary source of civilian protections: civilians generally exist independently of the war effort. However, the difference between a military objective and a civilian object has more to do with a situation’s circumstances than a target’s inherent qualities. So, a civilian is no longer protected if he picks up a gun and shoots at the soldier — he has become, just like an
enemy soldier, a military objective. So, a specific target can be interpreted to mean not just something one specifically aims at, but a specific target category as well: an acceptable target must contribute to the enemy’s war effort. To violate this principle is not only to act inefficiently, but also to create destruction for its own sake, whether that is intentional or not.

Additionally, it is indiscriminate to aim for a blanket target area without a clear objective in mind. Without a clearly defined objective, soldiers cannot be sure if they are eliminating targets with a military advantage, or if they are creating unnecessary suffering for the civilian population. Imagine that a military team hypothesizes that there may be objectives hidden in residential homes, simply because they know that civilian resistance exists in the entire country — but they have no facts as to where the resistance is most active, or how much of the population participates in this movement. The soldiers set conventional explosives around all of the houses on a neighborhood block in an attempt to destroy any target. This fails to meet the needs of discrimination, because the soldiers did not confirm if a target existed in any of the houses, or what that target’s effective contribution to the war effort would be if it existed. Therefore, the soldiers did not aim for a specific target, or necessarily any target at all. So, the team killed many of the civilians on the block and destroyed their homes without a confirmation that a military advantage could justify this collateral damage. This is illegal because the soldiers’ actions unnecessarily increased the risk of excess civilian collateral damage, not only because it was known civilians lived in the area, but also because no military advantage could be properly identified.
However, when one is required to aim for a target area that poses a high risk for collateral damage, it is essential to acknowledge civilians’ protected status. When a crucial objective exists in a high-risk area, soldiers may pursue this target as long as they take precautions to acknowledge and respect civilians’ status as separate from military objectives. Suppose the soldiers confirmed a specific objective was located on the neighborhood block, but intelligence could not confirm the target’s precise location on the block. Although, intelligence did confirm that the civilians were not voluntarily hiding this objective.

Given the great danger the elimination of this target poses to the local civilians, the soldiers would violate the principle of discrimination were they to simply proceed without any precautionary action. To proceed without acknowledging the risk to civilians is to proceed without acknowledging their status as civilian objects. But, this is an easy fix for the soldiers: if they provide warning prior to their attack and provide the civilians’ time to leave their houses, then they will have recognized the distinction between their target and the civilians. Civilian deaths that occur after these steps are out of the team’s control because they cannot control the actions of other people. It should also be noted that the soldiers should also limit the risk of excess collateral damage to civilians in this high-risk scenario through use of a legal weapon. No precautionary method guarantees that civilian lives will be saved. But, they greatly increase the probability. So, unnecessary suffering occurs if soldiers must eliminate a high-risk target, and ignore these precautions.
In addition, if the enemy uses their civilian population as human shields, the attacking soldiers may legally proceed to eliminate a target as long as they abide by the rules of discrimination. What if the enemy purposely hid a crucial target among residential houses to use civilians as human shields to protect this objective? In this case, the enemy has militarized their civilian population as a defensive weapon, and transformed them into a military objective: these civilians’ “nature, location, purpose or use make an effective contribution to military action,” mirroring the exact definition of a military objective in IHL, because their existence around the target deters military action that would threaten the objective.

However, this does not give the attacking soldiers a free pass to target the civilian population. Although the enemy has militarized these civilians, they as individuals have not necessarily chosen to assist the war effort. Therefore, this does not strip the civilians of their humanity. That said, the attacking soldiers cannot control the enemy’s actions. So, as long as the team takes the necessary precautions through use of appropriate weapons and methods, issues a warning to civilians, and actively aims for a specific target, the nearly guaranteed collateral damage to civilian life is not the attacking soldiers’ responsibility in this situation. In this case, the enemy has actively risked their own civilians’ right to life to advance their war effort.

However, what if there is intelligence that civilians have taken up a military-industrial cottage industry from within their homes, such as what the Americans believed Japanese civilians did in the Pacific War? The soldiers need to stop the enemy from producing some particular type of machinery in order to slow the enemy campaign, and they know that civilians are producing this machinery from within
their homes. However, the soldiers are not sure which homes are producing this materiel, or where in the city they are located. Assume that this industry’s destruction would definitely provide an effective contribution to the war effort. Although the civilians are more actively entangled with this industrial objective than in the preceding scenario, this is also a case where civilians are being used as human shields. The enemy has militarized these people in order to protect their industrial investments, which are now being produced inside residential homes — traditionally civilian objects.

So, the attacking army should proceed in the same manner as the previous situation: a warning should be issued for civilians to clear the area before the attack on the weaponry. This way, when the soldiers aim for these industrial targets, they have effectively distinguished between civilian objects and military objectives, because they acknowledged the civilians’ rights to find safety. Although civilians are actively producing war materiel in this case, they have not forfeited their rights as civilian objects. This is not the same case as a civilian actively shooting at a soldier. There is insufficient information to confirm that all of these civilians are voluntary participants in this industry, and not victims of the enemy’s desire to use them as human shields. Whereas, it is clear that when a civilian picks up a gun to shoot a soldier, he has voluntarily done so. Additionally, the civilians are a means to an end that is a military objective — the weapons they produce. They themselves are not military objectives.

This situation yields a final principle to guide the interpretation of discrimination: (3) one cannot aim for a blanket target area in the hopes of hitting a
specific target, or any target at all; furthermore, one cannot aim for a blanket target area to hit a specific target without taking precautions to protect civilian objects. To aim at everything is to aim at nothing at all. When one aims for a large target area that does not necessarily possess any military objectives, one is statistically more likely to miss the desired target than to destroy it — in other words, one is searching for a needle in a haystack. Therefore, it is illegal to aim for a large target area without a specifically defined objective because this increases the risk of creating civilian harm without a military advantage to justify this harm.

However, it is legal to aim for a large or high-risk target area when this is the only way to eliminate a particular objective, as long as one acknowledges civilians’ protected status through precautions. Similarly, when civilians are used as human shields, it is appropriate to pursue an objective as long as precautions have been taken to respect noncombatants’ status. Although the enemy has created this risk for their own civilian population, it is the attacker’s responsibility to avoid unnecessarily increasing the risk of collateral damage. If attackers are allowed to aim for blanket target areas and disregard civilians’ protected status, then they are justified to target “vital centers” of civilian life, by definition comprised of civilian objects, as an appropriate objective.

The principle of discrimination is violated when unnecessary suffering and damage occur as a result of (1) inaccurate weapon choice; (2) choice of targets that do not pose a credible threat to, or advance, a war effort; and (3) failure to choose the most specific target possible. Therefore, the principle of discrimination applies to weapon, method and target choice. This definition is further supported by the
clarifications of the original definition. The term “specific” applies to a deliberate, precise target that poses a credible threat to the war effort. And the term “reasonable accuracy” refers to the inherent damage a weapon will cause under ideal conditions. This principle emphasizes that all actions in war must be deliberate.

Proportionality

Unnecessary suffering is caused by disproportionate action when the collateral damage caused by an action is not justified by a military advantage, or when the harms caused by an action are excessive compared to the benefits. When it comes to analyzing proportionality, “harms” and “benefits” are more qualitative than quantitative concepts. Benefits occur when the military effort is advanced, and excessive harms result when unnecessary damage occurs. In the following discussion, two sub-principles will be defined to refine the nuances of these terms.

Two simple scenarios illustrate the basic comparison between military benefits and excessive harms. First, a soldier shoots an enemy soldier with a rifle to reach an objective. A clear benefit is achieved because this action unambiguously aids the military effort. Additionally, no unnecessary damage is caused because there was no destruction beyond that of the target. Second, the idea of excessive harm is represented when a soldier purposely shoots a noncombatant walking down a sidewalk with her rifle, while her squad is passing through a captured city. For the purposes of this initial formulation of the concept, assume that the civilian poses no danger to the soldier. This clearly creates excessive harm because the noncombatant
poses no threat to any current mission by walking down the street, and his death adds no productive contribution to one’s own war effort.

However, most realistic situations will not be as simple as the one above. The definitions of benefits and excessive harms are contingent on context. An act that is disproportionate in one context may be proportional in another, similar to the analysis of military objectives versus civilian objects. For instance, the measurement of benefits and excessive harms in the previous scenario would be different if the soldier shot the civilian in a war zone because he was actively attempting to obstruct the soldier’s path to protect enemy soldiers. Or, perhaps the noncombatant picked up a weapon and aimed it at the soldier and her fellow troops. In either of these cases, the civilian has become a threat to the war effort because he is actively hindering the soldier’s ability to meet her objectives. This emphasizes the point that to provide a benefit, a target must actively pose a threat to one’s ability to reach her objective.

Furthermore, an act becomes disproportionate if the methods used to eliminate a target cause excessive harm given the circumstances, even if the target provides a definite benefit. Imagine a soldier ordered to kill an enemy soldier in the middle of a city, located in a war zone. It can be assumed that collateral damage will occur in this situation because of the number of civilian objects typically present in a city, such as commercial buildings, residential buildings, and noncombatants. The enemy soldier has run into a crowd of people to avoid her. She throws a grenade into the crowd, which kills or injures almost everyone in the group. This action is illegal if she carelessly used the grenade when she had a more discriminate weapon available, such as a rifle, which would have provided a higher chance of hitting the enemy soldier.
despite the crowd of people. So, it is illegal and disproportionate to use more force than is required to eliminate an objective.

However, if a grenade was the only weapon available to her, then this action is justifiable for two reasons. For one, as long as she uses a legal weapon, she has reached her objective with the smallest amount of civilian casualties she can manage, given the circumstances, without forgoing her objective. It is essential to note she must use a legal weapon, because illegal weapons, or indiscriminate weapons, inherently create unnecessary suffering. So, the harms will be excessive in any case. Secondly, the enemy soldier has used these civilians as human shields. As long as she takes the precautions toward civilians available to her in this situation, which is realistically to use a legal weapon and aim for a military objective because there is little time for a warning, she may proceed with her actions.

This scenario introduces an important distinction between discrimination and proportionality. For the principle of discrimination, a weapon can either be controlled or cannot be, or is controlled or is not. In terms of proportionality, excessive harm is to use more force to eliminate a certain objective than is required under the prevailing circumstances, which means that the amount of force required to destroy an objective will vary depending on the circumstances. This scenario highlights the fact that proportionality is a quality, not a quantity. So, it was illegal for the soldier to throw the grenade into the crowd when she had a less harmful weapon available, because she had the means to limit civilian deaths and carelessly did not. On the other hand, it was legal to use the grenade when this was the only weapon available, because there
was no way for her to destroy her objective and create less harm — so the harm was not excessive.

If an objective’s elimination cannot be shown to provide a direct military benefit, or advance the war effort, then the action is disproportionate. Suppose a supply line had been converted for the express use of carrying survival supplies to civilians in war-torn cities and towns. The army decides to target these trains to divert the enemy’s attention from the war effort and towards the survival of their civilians, thus slowing the enemy war effort — not unlike how Giulio Douhet and Billy Mitchell proposed to bomb “vital centers” in the 1920s, during the early years of air power theory. Technically, this action will create an advantage for one’s own forces to proceed more quickly and effectively, because the enemy leadership will be preoccupied by the survival needs of their civilian population, and likely face a drop in public support. So, the enemy will have less time and energy to construct and execute their military strategy.

However, this justification is too indirect to guarantee the enemy’s war effort will be damaged. Firstly, this strategy does not target anyone who actively contributes to the war effort: it targets civilians who exist independently of the war effort. While civilian morale and survival are not always inconsequential to a war effort, they do not directly contribute to it. Military technology and personnel contribute to war efforts. Also, the military benefit to be gained in this scenario is that the enemy’s war effort might be hindered. This is true even in cases when the home front actively participates to produce weaponry and military supplies. There is no way to tell what supplies on the train will be delivered to which civilians, and so it
cannot be certain that the civilians who participate in military production will be the ones affected by the train’s damage. And in any case, there is no way to tell how a particular civilian population will react to hardship.

To clearly state a specific aspect of the previous point, it is inappropriate to target civilian objects for the sake of an indirect benefit. Imagine that an army targets a factory that produces tanks. This action produces a benefit because the enemy will have less power in its arsenal to oppose one’s own military. However, imagine the army targets a commercial factory for the argued benefit to slow the enemy’s productive capacities. This would only be acceptable if the factory was used in a way that actively contributed to the enemy’s war effort and strength.

For instance, if the factory has been contracted to produce materials for the enemy army, it has become a military objective even if in peacetime the same factory and products are used for civilian commercial enterprise, and therefore its destruction possesses a military benefit. However, it would be disproportional to target a purely commercial factory. Although doing so might damage the enemy’s economy and therefore hinder their ability to invest in wartime industry, in reality the only certain outcome is that excess harm will have been created by damaging a civilian object, and the only benefit would be conditional on chance or even nonexistent. So, an action is illegal if the military benefit associated with an action is conditional, or cannot be confirmed.

These scenarios yield a set of principles that guide the analysis of proportionality: (1) an act is disproportionate if the act causes more collateral damage than is required to meet the objective. The most basic definitions of military
benefit and excessive harm are illustrated when an objective provides a military advantage, and when unnecessary damage is caused, respectively. Unnecessary damage can be clarified as any collateral damage that is irrelevant to achieving a proper military objective. Irrelevant damage is dependent on context. In two different scenarios, the same objective, that provides the same military benefit, may require more or less force to eliminate. Additionally, these scenarios demonstrate that proportionality is a qualitative, rather than a quantitative calculation. The logic of proportionality is not that killing a greater number of people is worse than killing less people, or that killing a civilian is twice as worse as hitting a soldier. Instead, the thinking is that harms are excessive when more damage was created than minimally could have been in a situation.

While the first principle emphasizes how excess harms should be measured, the second principle clarifies how benefits should be measured: (2) an act is disproportionate if there are no clear benefits that result from the destruction, and military benefits are less substantial the less direct threat a target poses to the war effort. In order for a true military benefit to exist, the action must directly create a positive impact for one’s war effort. So, clearly, if there are no benefits, there is no military advantage. Also, a direct advantage must justify any harm created. Indirectness leads to an uncertainty as to whether the prospective benefit will actually be achieved or not, which means that the damage could be excessive because there might not be a benefit at all. Finally, aiming for civilian objects never provides a direct benefit. So, unnecessary suffering is created when the benefits cannot be argued to provide a definite military advantage.
The principle of proportionality is violated when unnecessary suffering and damage are caused because (1) excessive collateral damage is caused in relation to the required force to meet an objective; and (2) an action does not achieve any direct military benefits. So, the principle of proportionality applies to how an action in war is accomplished, in terms of how much harm a method causes in relation to the target itself, and to carefully choosing actions that actively contribute to the war effort. The principle of proportionality demonstrates that in war the ends do not necessarily justify the means. It makes no difference if a military benefit exists if excess harm is created to achieve this advantage. Additionally, in order to begin to justify any means, a definite benefit must be identified.

Necessity

Lastly, unnecessary suffering will be caused when the least harmful alternative available for an action to achieve the same advantage, or a comparable advantage, is not chosen. This is a violation of the principle of necessity. Specifically, an act of war violates the principle of military necessity if it does not provide a military advantage, or if the same military advantage or benefits could have been reached by choosing a less harmful, alternative action. This is elaborated in four sub-principles.

If an act of war is indiscriminate or disproportionate, it also violates the principle of necessity because that means the action either lacked a proper military advantage or forewent a less harmful alternative. The principles of discrimination and proportionality apply to the consequences of a single, particular action towards a
particular target and objective. So, one can begin with a principle that *an act does not fulfill the requirements of necessity if it violates the principles of discrimination and/or proportionality*. Actions that violate the first two principles create unnecessary suffering, and so of course are unnecessary.

Like the other principles, a straightforward scenario can demonstrate the principle of necessity’s basic requirements. Suppose that an army seeks to destroy an enemy’s communication capabilities in an area. In this first simple case, the two alternatives available to the commanders are either to order soldiers to destroy one specific headquarters that coordinates all enemy communication in the area, or to destroy all telephone lines in the region that facilitate enemy communication, which are located largely in civilian areas. In this version of the scenario, imagine that enemy administrative power is concentrated in the headquarters. So, destroying this one facility will completely destabilize communication in the area. As the scenario exists right now, less collateral damage will occur if the commanders choose the first option because it is a single target located far from civilian areas, as opposed to many targets scattered throughout civilian areas. So, to destroy the headquarters is the clear choice because it will achieve the desired advantage while minimizing collateral damage.

However, this does not mean that the choice to destroy the phone lines will always be illegal. Sometimes, in order to achieve a certain military advantage, one must eliminate a combination of objectives, rather than be presented with an either/or decision. Perhaps the enemy has auxiliary offices that can easily assume the communication duties of the main headquarters if it is destroyed. So, the only way to
effectively achieve the advantage is to destroy the headquarters and the telephone lines. In this case, unless it can be shown that there is a third path to destroying all communications in the area, the only practical way to achieve the advantage is to destroy both objectives, the headquarters and the telephone lines. So, the fact that destruction of the telephone lines presents a higher risk of collateral damage is not inherently wrong. It is only wrong if there was a less harmful option available.

Moreover, there may be cases that require the choice of a completely different, but comparable advantage to the first one, rather than simply choosing among different objectives to reach the same advantage. In the above scenario, if the reason for destroying the communication lines were to prevent the enemy from communicating crucial intelligence between their commanders and spies, then the only way to obtain that advantage would be to destroy all lines of communication, including the telephone lines. However, if the advantage sought is to buy time to stage a particular assault in the region, that objective could be achievable by destroying military railways located away from civilian areas. To evaluate the least harmful courses of action, one must identify whether the advantage is particular to a certain scenario, or to the war effort at large, which will make the alternatives more flexible.

If pursuit of the least harmful choice to achieve a particular advantage is conditional, or based on incomplete information, then this might not actually be the least harmful choice in practice. For instance, what if targeting the train lines will definitely be as effective in buying time as targeting the communication centers, but only if the army attacks the train lines in time to stop specific supplies from being
delivered? So, the commander will need to determine whether there are enough time and resources to plan this attack on the train lines. Then, she needs to determine whether the army will have time to eliminate the communication centers, as a Plan B, should the attack on the trains fail. If the army does not have the tools to successfully attack the trains in time, then it is not a viable alternative to targeting the communication centers.

Secondly, if the army does not have time to target the communication centers as a Plan B, then this is also not actually a viable alternative because if they miss the first chance to target the trains, they completely miss their chance to achieve this advantage — unless the commander is completely certain her army will successfully eliminate the train lines for Plan A. If the army has enough time and resources available to ensure that they will be able to meet their advantage despite the conditionality of the train objective, then they should pursue this least harmful objective. However, if they do not, then it is not in reality a viable alternative. Similarly, one can only act on the information that is available at the time. So, if a commander chooses to eliminate the communication centers because there was no way to know that attacking the train might have been a less harmful option, then the principle of necessity has not been violated.

The above examples flesh out additional requirements of the principle of necessity: (2) a course of action violates the principle of necessity if the same benefits, or equivalent benefits, could have been realistically achieved by targeting a different objective(s), with less destruction. The addition of the word “realistically” to what would otherwise be the original definition of necessity highlights the criteria
for a viable alternative course of action. A set of alternatives may not be a black-and-white choice between “this” or “that” objective. In some cases, these objectives may occupy a grey area where both are required to achieve the desired outcome. An alternative may also encompass a completely different set of objectives than imagined originally: a less harmful alternative is comparable to the original if the same tactical outcome is created despite pursuing a completely different path. Finally, if a theoretically less harmful approach cannot be proven to work, because of some insufficiency with intelligence or a conditional aspect of the mission, then it is not actually a viable alternative. An alternative, though less harmful, is not viable if it cannot be realistically achieved within the practical parameters of the situation.

To further refine what has been illustrated, a typically harmful option is legal if the mission’s failure is at stake and it is the only option left. This is reasonable because although in most scenarios this would be considered a harmful option, it is the least harmful option realistically available. Imagine the enemy has converted civilian factories into military production plants that produce an exceptionally destructive type of tank that is demolishing one’s forces. The enemy will maintain a crippling large advantage if these specific factories are not destroyed, and will begin to eliminate one’s own forces at an unsustainable rate if they are not destroyed in a timely manner. Therefore, there is no other way to achieve the advantage at stake without halting this production.

The first choice available to commanders is an invasion by ground troops, which is not a viable option because forces have barely captured objectives far outside this city, and will not be able to get close enough to stage an assault in time.
The second choice is precision bombing, or the daylight targeting of specific military objectives. This tactic was attempted, however, due to weather patterns in this region, it was impossible to aim accurately enough to directly hit the target and to avoid enemy flak. So, the bombers switch to area bombing, still aiming to eliminate a specific objective, but aiming over a larger target space. This finally manages to destroy the factories. This is acceptable because the only less harmful alternatives resulted in failure, so this becomes the least harmful option available, and therefore acceptable under the principle of necessity given the existing military advantage. So, (3) the condition of necessity is met if the alternative to passing up the advantage will drastically hinder the war effort and if the other alternatives result in either failure or worse damage, as long as the weapons and methods used are legal. This principle matches very closely with the AAF’s argument that the incendiary bombings of Japan were essential to hasten the end of the Pacific War and save American lives.

That said, just because one may go to lengths to maintain their war effort, there is no free pass to take any action one needs to in order to win: (4) targeting the enemy civilian population is never justifiable as the least harmful alternative available. This is distinct from targeting a specific civilian who has taken up arms against you. In the above situation, imagine civilians were managing and operating the commercial factories that had been converted into military production plants. Given what is known about what methods are available to achieve the desired advantage, the attacking military decides between area-bombing the space in which the factories are concentrated, and specifically area bombing residential districts in order to kill the civilians who work in the factories. This second strategy, however,
does not guarantee a military advantage. While concentrating bombs around the factories will promise a high probability the factories will be destroyed, concentrating bombs around civilian living places does not guarantee that the people who work in the factories will actually be killed. Even if the bombs targeted both the factories and the residential areas, this is impractical because the military advantage could have been achieved by simply bombing the factory areas, which would result in less damage than bombing both areas. So, attacking the civilian population does not provide a direct military advantage, or even a military advantage at all, and therefore cannot ever be justified as the least harmful alternative available. So, if there is never an appropriate situation to target a civilian population, then Walzer is incorrect that political communities can take such drastic action when they are imminently threatened to a severe enough degree. No matter how dire the situation, there are no supreme emergencies.

Further, just because civilians are aiding in war production, they are not necessarily belligerents. As stated before, when civilians participate in the war effort they are a means to an end. They produce the war materiel that is used by soldiers to harm an attacking army. Civilians do not harm enemy soldiers themselves. While their government has put them at risk to become collateral damage by asking them to work in the factories, this does not in itself make civilians viable military targets. Finally, if an army discovers the only option left available to them is to target civilians because they cannot viably target military objectives, then they have lost. If one’s war capabilities have completely been destroyed, one has been defeated. So,
civilians do not lose their protected status because they participate in home front production, even if an attacker grows desperate.

The principle of necessity is violated when unnecessary suffering occurs as a result of (1) violating the principle of discrimination or proportionality; (2) choosing an action that can be said to create excessive collateral damage, because a less harmful option to achieve the same advantage was practically available; (3) an action that did not need to occur to avoid failure; and (4) targeting civilians. However, the condition of necessity is *not violated* if passing up an advantage would result in failure of the war effort or drastically hinder the war effort — so long as one continues to target legitimate military objectives. This principle mostly applies to command-level decisions and tactic choices for larger operations. Additionally, necessity presupposes a military advantage. The analysis of necessity hinges on how a reasonable alternative is actually defined. Factors that can determine whether an alternative is actually less harmful, given the options, may include the level of intelligence available, and if any alternative is conditional, for instance on time and resources. The principle of necessity governs the limitations on overall strategy in war.

4. Conclusion: The Definition of Unnecessary Suffering

An action violates the law of unnecessary suffering if (1) there is no military advantage, and (2) if excess collateral damage occurs. If there is no military advantage associated with an act of war, the action will always be a war crime. All three principles of unnecessary suffering demonstrate that the absence of a military
advantage indicates unnecessary suffering, because in this case there is no benefit that helps the war effort’s progress to justify collateral damage. The principle of discrimination considers that a target is not associated with a military advantage if a target does not pose a credible threat to troops or an army’s war effort, or if a target is not precisely identified and therefore its destruction cannot guarantee a military advantage. The principle of proportionality considers an action disproportionate if there is no military advantage, because in this case no benefits exist to balance the harms caused by the action. And, necessity requires military advantage, because without one, one would not need to perform the action.

Military advantage is the first consideration when evaluating unnecessary suffering. In the case of all three principles, the lack of a military advantage indicates illegality, and so undeniably indicates a war crime. Each of the principles’ considerations of military advantage occur in the first stages of planning an action, because if no military benefit will arise from the action, it is a pointless, and thus illegal, action to take at all.

Next, all three principles demonstrate that if the risk of, or actual excess collateral damage is created, the action is illegal. Excess collateral damage is the next step in the evaluation of unnecessary suffering as a war crime, because while military advantage relates to objective selection, and the decision to take an action at all, the creation of excess collateral damage results from how one achieves their objective once it is set. The principle of discrimination condemns the creation of excess collateral damage when an inherently indiscriminate weapon is used, or when a discriminate weapon is used indiscriminately. The principle of proportionality
considers excess collateral damage illegal when the damage caused exceeds the minimum damage required to meet the objective, or the method used unnecessarily poses a risk of collateral damage. And, the principle of necessity prevents excess collateral damage when the same objective could have been reached with less destruction by alternative means.

The principles of unnecessary suffering show that excess collateral damage is better described as a condition than a quantity. That is, excess collateral damage is not a numerical comparison of the exact amount of damage caused against what military advantages were achieved. Rather, it is the condition that more harm was caused than was required to complete a particular mission. It does not matter how one creates excess collateral damage. Whether one uses an indiscriminate weapon, or fails to choose the most appropriate course of action, the end result will be the same: as a result of an illegal action, there will have been more destruction and life taken than required to accomplish the objective. This is similar to evaluating crimes in ordinary criminal law. If the murder weapon is a knife or a gun, the criminal is tried for the same crime that caused the same end result. Therefore, it is useless to classify any method or means as “worse” than another. The only important characteristic is simply whether it creates excess collateral damage, or whether it does not.

Given the nuance encountered while defining the principles of unnecessary suffering in depth, it is now evident that actionable items are the most practical method to determine what is right and wrong in war. It is insufficient to judge actions in war by what we morally consider good and bad. Killing civilians is bad. Few would argue with that assertion, even those who have been criticized for the amount
of civilian casualties they have created in war, such as Curtis LeMay. However, now it is clear that military necessity is not enough in itself to dismiss civilian collateral damage: the principles of unnecessary suffering clearly define when it is acceptable to go to great lengths to complete a mission, and when it is not. In light of the principles of necessity, it is clear that Douhetian bombing of vital centers is never an acceptable tactic, because civilians will never provide a proper military advantage for a war effort, and bombing civilian objects will create excess collateral damage. But it still must be resolved whether the Americans violated the law of unnecessary suffering during the incendiary raids on Japan.
Chapter Four

Curtis LeMay and the Incendiary Bombing of Japan

1. Introduction

Before General Curtis LeMay, commander of XXI Bomber Command, and caretaker of the B-29 bomber program’s success, can be accused of acting indiscriminately, disproportionately, or unnecessarily toward the Japanese civilian population, we must demystify the details of the incendiary-bombing campaign against Japanese cities. The articulation of the war crime of unnecessary suffering was the first of three steps to determine LeMay’s guilt or innocence. Establishing the facts of LeMay’s actions, to compare to the legal framework written in Chapter Three, is the second step.

To achieve this goal, the first section of this chapter will explain how the pressures experienced by the entire American military materialized within the AAF. This section will also explain the pressures the AAF faced internally, which motivated aspects of air commanders’ decision-making. Finally, this section will explain exactly how American leaders gravitated toward the idea of incendiary-bombing tactics. The next section, in order to later understand the legality of how LeMay bombed Japan, will describe the raids’ stated targets, and what was targeted in practice; the logistics of the missions themselves; the results of these raids, including collateral damage and the military objectives achieved; and the AAF’s reception of LeMay’s work.
Perhaps no branch of the American military embodied the contrast between the European and Pacific theaters to a greater degree than the AAF. In the early years of the war, the AAF adamantly pursued “precision bombing” doctrine, thus resolving to only aim in daylight for specific military objectives related to German industry. After the RAF Dresden firebombing raid in February 1945, the AAF publicly reaffirmed this position. Yet, by March, the Americans had transitioned to primarily nighttime area bombing tactics in the Pacific. By August, the organization routinely pursued nighttime area bombing methods against Japanese urban areas with incendiary bombing tactics — though still with the stated intention to eliminate industrial targets. The unique pressures that accompanied war in the Pacific motivated this tactical shift. By 1945, the AAF had not only become frustrated by the Japanese refusal to surrender and the desire to accelerate the end of the war, but also by pressures that threatened the AAF’s survival as an autonomous organization.

These pressures pushed the AAF’s leaders, including the body’s commanding general, Hap Arnold, to explore and pursue more drastic measures of warfare. Ultimately, these pressures allowed LeMay, a young, up-and-coming commander, to transition these new, drastic measures from theory to practice. As was his style, he did so with nothing less than efficient, ruthless, and ingenious execution. His accomplishments in Japan were perhaps some of the most stunning examples of Allied physical power over the course of the entire war — including the atomic bombs. In 1945, the AAF began to prioritize a new definition of efficiency, as it related to bombing, in order to expedite the end of the war and demonstrate the value of their organization. In turn, this new definition of efficiency laid the groundwork
for Curtis LeMay to operate unilaterally and carry out a bombing campaign that pursued a new type of target for American bombing missions, with a new type of weapon.

2. Breaking Point

Pressure on the AAF

In 1945, the Americans experienced growing anxiety about the consequences of a prolonged war. For one, the Allies were impatient to conclude the last stages of World War II in the Pacific, because it was clear Japan would fall, but unclear how much more American blood would be shed to realize this end.\(^1\) American military leaders were concerned that the home front could not endure an extended conflict in the Pacific.\(^2\) Also, the Allies feared the consequences of the Japanese people’s wartime endurance and brutality: the impending Allied ground invasion of Japan, Operation Olympic, scheduled for November, 1945, was estimated to cost a total of 50,800 casualties within the first thirty days of the campaign, 27,150 the next thirty, and 27,100 the final thirty days of the mission.\(^3\) However, until Japanese surrender, this operation appeared inevitable because the Japanese military refused to surrender. The clearer it became the Americans would win the war, the more desperate and bloody the tactics the Japanese adopted, from kamikaze suicide bombers, which could

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do nothing to change the tide of victory, but could increase the total number of American casualties, to forcing civilians to take up arms.

The Allies were also nervous about a resurgence of Japanese aggressive assaults — which had largely been quelled after the Americans began to reclaim Japanese imperial acquisitions by late 1942, with the Battles of Midway and Guadalcanal. The Americans were worried about a potential Japanese assault on the U.S., particularly against the United States’ Pacific Coast. In fact, the Japanese had attempted to strike this coast over the course of the war, though unsuccessfully. Leaders were also concerned that Japan could completely conquer China. Frank L. Scott Jr., an intelligence officer in the AAF, outlined Japan’s theoretical capability to completely overtake China in a memo to LeMay in late 1944. In light of these concerns, the American military was in search of the most rapid path to reach victory.

Additionally, the AAF as an organization faced specific pressures that threatened its survival as an organization. Leaders in the AAF felt the need to prove the air forces’ worth in order to demonstrate the value of strategic bombing, which was still a new method of warfare, and to establish the significance of their organization to advocate for an independent air arm in the military. Other branches of the military instigated the first of these pressures. The antipathy Billy Mitchell, one of the first proponents of strategic air power, encountered in the 1920s in response to the suggestion of an independent air force continued well into World War II. The Army and Navy refused to acknowledge that air power could play a role beyond supporting ground and naval operations. Arnold aspired to establish the

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4 Crane, Bombs, Cities, and Civilians, 122.
AAF’s independence from the Army and Navy, so the military’s resistance against air power made it essential to demonstrate that air power could hold its own throughout World War II.⁶

However, the root of many of the AAF’s problems was the would-be superstar bomber plane, the B-29. This bomber was built as much to represent American might as to fulfill the practical need for long-range bombing capabilities in the Pacific. Yet, at first it seemed unlikely the plane would be able to meet any practical goals, let alone fulfill its more aspirational uses. Construction of the B-29, nicknamed the “Superfortress” — a moniker to distinguish it from its cousin, the B-17 “Flying Fortress” — began because long-range bombing was necessary in the Pacific theater for bombing to be viable at all, due to the island geography.⁷ Even after the Allies captured Saipan and could establish airfields for XXI Bomber Command in the Marianas, which was responsible for B-29 operations against Japan, the mainland was still a far way away.

Despite the practical requirements for a long-range bomber in the Pacific, the way the B-29 was designed and built reflected American aspirations to glory. The B-29 represented “hubris” in its very creation, meant to symbolize American wealth and technology and act as a “battleship of the skies.”⁸ The sheer amount of resources required to produce a single B-29 demonstrated the plane’s grandiosity. To produce a single B-29 required 27,000 pounds of aluminum, upwards of 1,000 pounds of copper, 600,000 rivets, nine and a half miles of wiring, two miles of tubing, and half a

⁸ Hastings, Retribution, 284.
million dollars, which is equivalent to approximately seven million dollars today.9 This arrogance of engineering is also represented by the fact this “three-billion dollar gamble” went into mass production before there was even a test flight.10 The B-29 made a promise that the AAF would valiantly affirm its value to the American military in Japan, before air commanders had even devised a plan for how exactly this would be done.

But the bomber simply could not deliver on its promise. Commanders did not understand how to utilize this new piece of technology, and technical issues plagued the plane’s performance. By January 1945, more than a year after the Americans had established long-range bombing capabilities from airfields in the Marianas, the bombers had not hit a single target in Japan.11 XXI Bomber Command found difficulty destroying precision targets. This was partially a result of inadequate training, because the B-29s were expedited to the theater after production.12 Additionally, it was evident the B-29s had not been sufficiently tested. Multiple aspects of the plane apparatus were rife with so many technical bugs that one pilot noted, “The airplane always felt like it was straining every rivet to be up there when you had it over 25,000 feet.”13 And so, the AAF itself would strain to make good on the B-29s’ promise. The B-29s’ early performances did not help the AAF make their case to the rest of the military community that strategic air power could provide decisive value to military strategy. By January 1945, XXI Bomber Command had basically no success

9 Ibid., 283.
10 Searle, "Firebombing of Tokyo," 110.
11 Hastings, Retribution, 288.
12 Crane, Bombs, Cities, and Civilians, 128; Hastings, Retribution, 284.
13 Retribution, 284.
over Japan, and morale was low.\textsuperscript{14} Although many bombing problems were in truth due to weather, by the end of February the B-29 project appeared an embarrassing failure.\textsuperscript{15} As a result, air commanders were faced with a real threat that the B-29s would come under the purview of General MacArthur, commander of ground troops and operations through the Philippines and across mainland Asia, or Admiral Nimitz, leader of naval forces, and responsible to carry out the Allied “island hopping” strategy.

MacArthur’s and Nimitz’ beliefs stood contrary to air force officers. From their perspective, the B-29s could be repurposed to support the growing physical needs of the army and navy.\textsuperscript{16} Just like the rest of the military on the whole, MacArthur and Nimitz possessed conservative views on the most effective role for strategic bombing.\textsuperscript{17} To them, air power would be best suited to a supportive role. So, if the AAF lost control of the B-29s, the future of strategic air power could be extinguished.

The B-29 program caused Hap Arnold a great deal of anxiety. Arnold longed to demonstrate the value of an independent AAF and strategic bombing — a passion the under-performing B-29s threw a wrench in. Among Allied commanders, Arnold was critical of the prospective ground invasion of Japan, because he wanted the AAF to be recognized as a major and valuable contributor to Allied victory. The valuable contribution he hoped air power would provide was a decisive end to the war that

\textsuperscript{14} Ibid., 288.
\textsuperscript{15} Searle, "Firebombing of Tokyo," 112-13.
\textsuperscript{16} Ralph, "Improvised Destruction," 504.
\textsuperscript{17} Crane, \textit{Bombs, Cities, and Civilians}, 124, 29.
bypassed the need for a land invasion.\textsuperscript{18} Arnold expected his generals to meet the goal of proving airpower dominance, and he believed that the B-29s were the way to achieve this goal. Even before LeMay ascended to his highest position of power in World War II, Arnold expected that Brigadier General Haywood Hansell, LeMay’s predecessor in the Marianas, would be able to deliver the knockout punch to Japan’s forces in order to demonstrate the worthiness of an independent air arm.

When it became clear that Hansell would not fulfill Arnold’s wishes in a way that would satisfactorily demonstrate the AAF’s power — by Arnold’s standards — Arnold sought a leader he though better suited to command the B-29s. Arnold’s ideal commander demonstrated single-minded focus towards his goals. Arnold did not want a “planner” in charge of the B-29s, but rather a person who got things done.\textsuperscript{19} Regarding bombing results, Hansell believed that Arnold took numbers too much at face value, which reflected what had become Arnold’s single-minded focus on the B-29s’ results.\textsuperscript{20} This observation perhaps reflected Hansell’s character as a “planner,” rather than a man of action. Curtis LeMay, on the other hand, appeared to Arnold as just the man to change the AAF’s luck and meet their strategic and organizational ambitions.

LeMay possessed a demonstrated record as a man who got things done. While serving as an officer of the Eighth Air Force in Europe, LeMay had gained a formidable reputation as a direct, resourceful, and successful leader.\textsuperscript{21} LeMay demonstrated these traits from the start of his career in the Pacific as well. In August

\textsuperscript{18} Hastings, \textit{Retribution}, 447-48.
\textsuperscript{19} Ralph, "Improvised Destruction," 509.
\textsuperscript{20} Ibid.
\textsuperscript{21} Hastings, \textit{Retribution}, 287.
1944, he became the youngest major general in the service when he assumed leadership of XX Bomber Command in India.\textsuperscript{22} Once in charge of this outfit, he quickly assessed the state of the command as “very poor” and implemented new training programs.\textsuperscript{23} Whereas Hansell was a primary architect and strategist of the American precision bombing doctrine of daylight attacks against specific German industrial objectives, LeMay was a doer who immediately took action on his diagnoses of problems and always adopted what he saw as the best tactics, regardless of traditional standards and doctrine.

Arnold was explicit to LeMay that he expected the young commander to make the B-29s work, and thus save the AAF from subordination to ground and naval forces. LeMay himself was happy to facilitate the achievement of these goals, because they corresponded to his own beliefs. Arnold communicated in no uncertain terms to LeMay that the B-29 project was significant to him because he believed it would be critical to the future of the Air Force.\textsuperscript{24} LeMay was prepared to make good on Arnold’s expectations. In a letter to Major General Frederick L. Anderson, U.S. Strategic Air Forces deputy commander for operations, on November 18, 1944, LeMay wrote, “I think we all agree that our future and the future of the post war Air Force depends a great deal on the performance of the B-29s in the Pacific.” He continued that inexperienced personnel should not “be broken in on B-29’s; we have too much at stake.”\textsuperscript{25} LeMay, like other American officers at the time, was not

\textsuperscript{22} Ibid., 286.
\textsuperscript{23} Ibid.
\textsuperscript{24} Ibid., 286-87.
impervious to the pressures in the Pacific, whether they were related to the entire military or the AAF.

The stage was set. As U.S. Marines took island after island in the Marianas, others would follow to build air bases for the B-29s.26 Shortly after taking command in the Marianas, LeMay prepared for the nighttime bombing of Japanese cities. Arnold was convinced that LeMay was the man to lead XXI Bomber Command, and to end the war efficiently with strategic airpower.27

**American Ideas on Incendiary Bombing**

As precision tactics failed to deliver results over Japan, American leaders’ minds opened to the idea of area bombing. This was a significant step towards a serious decision to use incendiary tactics in the Pacific. Precision attacks were difficult to execute over Japan due to the various technical issues associated with the B-29s, from inexperienced personnel and technological bugs to the weather. LeMay was not exempt to these problems when he initially began to lead XXI Bomber Command. March 3, 1945, in a letter to Lauris Norstad, Chief of Staff of the Twentieth Air Force, LeMay illustrated the mindset that allowed precision tactics to fall to the wayside. He explained that due to prolonged weather difficulties, night bombing might be better suited to air operations in Japan than daylight bombing, despite the fact he did not view night bombing as the most efficient method in

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26 Hastings, *Retribution*, 287.
27 Ibid.
general. According to LeMay, “this is another case of a few bombs on the target being better than no bombs at all.”

LeMay had experienced difficulty bombing in Japan long before he wrote the March 3 letter to Norstad. LeMay recalled in a letter to Arnold on April 5, 1945, that due to weather over Japan his first six weeks in the Marianas, there had only been one opportunity for a visual shot at a target, and attempts at precision attacks those first weeks had also failed because B-29 operations lacked the proper tools for success — the same problems commanders reported to experience with the Superfortresses before him. Additionally, he described the amount of finagling that would be necessary to successfully precision-bomb targets with the B-29s. LeMay wrote that he would try to lower the altitude of daylight precision attacks to “get under the weather,” which would raise the combat loss rate but decrease the operational loss rate caused by strain B-29 equipment encountered at high altitudes. These comments demonstrate the practical obstacles to successfully precision-bomb Japan, as well as the large amount of extra planning required to try and make this tactic work. But, if precision tactics could not meet objectives in Japan, LeMay had to devise a tactic that would.

By 1945 in the Pacific Theater, air commanders had redefined what “effectiveness” meant in regards to bombing campaigns in order to achieve more results by a new, relaxed standard. In other words, commanders redefined what tactics yielded effective results, and the terms for measuring results. In the European theater, AAF leaders interpreted “effectiveness” to reflect precision bombing

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29 Ibid.
doctrine, which meant they believed direct hits on specific targets was the surest way to disrupt the enemy’s war effort with the least amount of material waste. The Americans originally rejected incendiary bombing in Europe due to this definition, because this tactic was seen to be indirect and wasteful in comparison to precision bombing with high explosive bombs.

In practice, a new definition of “effective” meant a shift toward area bombing tactics. The AAF still framed target areas with the objective of eliminating industrial targets, but attack areas became enlarged in order to hit targets that were defined more broadly to increase the quantity of results reported after a mission. Now, bombing areas grew to include anything that could be argued to contribute to the enemy’s war effort. An effective attack was now one that yielded the largest amount of destruction possible, rather than the most strategic destruction possible. Achieving results had become more important than what results were achieved: in Washington, leaders wanted results, and were not picky about the means by which the results were achieved. So, prior to March 9, 1945, almost all bomber raids used precision tactics, and afterward the AAF’s new definition of effective allowed LeMay to switch nearly exclusively to area raids.

Prior to the transition to area bombing, the Americans had already gone to great lengths to explore incendiary bombing as a tactic. Early in the Pacific War, Hap Arnold asserted that incendiary bombs were contrary to the AAF’s mission and

31 Hastings, Retribution, 296.
national policy. However, as scruples about area bombing began to fade, so did those about incendiary tactics. While the Americans had an idea of what incendiary bombs were capable of, thanks to the RAF’s enthusiastic use of the weapon, the United States had launched its own investigations into incendiary bombing, and the use of this weapon against Japan specifically. Americans had studied fire raids in England as early as 1941, which was the start of American incendiary bombing capabilities. The ruins of English and German cities were used to evaluate incendiary bombs’ potential destruction. However, a Joint Incendiary Committee, created by the AAF’s Committee of Operations Analysts, was founded in order to ask pointed questions about how this weapon might affect Japanese cities.

The Joint Incendiary Committee was interested in defining the specific type and extent of destruction that incendiary weapons could cause in Japan. In June 1944, the committee was established to determine the force required to burn down major Japanese urban areas and estimate the economic and military consequences of this action. It was already common knowledge that Japanese cities were vulnerable to fire. The committee asked questions such as how many incendiaries and how many high explosives had to be dropped on every target to ensure that the resulting fires would blaze out of control? Another AAF advisory committee, the Joint Target Group, wanted to know if incendiary bombing could bring the morale of Japanese people to a “breaking point.” The Americans were specific about

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35 Ibid., 113.
38 Ibid., 122.
determining what incendiary bombing could accomplish, and exactly how this weapon could support the war effort in the Pacific.

By the time LeMay would take command in the Marianas, there would be no doubt as to the level of destruction this weapon could unleash. The Americans conducted experiments that left no ambiguity as to what incendiary bombing was capable of in Japan. The U.S. built phantom communities nicknamed “Little Tokyos” to define precisely what type of damage would occur to Japanese buildings as a result of incendiary weapons. These were predominantly wooden buildings, built at Eglin Field in Florida.39 While it was already known that Japanese architecture would be highly vulnerable to fire, other studies on incendiary bombing concluded that this method would take advantage of this structural weakness enough to seriously hinder Japanese productivity by “dehousing” workers, which could profoundly dislocate Japan’s economy.40 These tests noted that it was difficult to predict whether a conflagration would actually burn down military targets. However, several of the fires caused in these tests were uncontrollable.41 These tests provided Americans the knowledge to understand that this weapon was capable of a terrific amount of human and material damage, and that it was difficult to control.

American incendiary bombing was also theorized to target civilian morale. This secondary goal of potential incendiary operations also demonstrated the new definition of effectiveness. If civilian morale could be said to aid the Japanese war effort, it could be argued to be a legitimate military objective for area bombing.

While many times in Europe air leaders considered morale to be a secondary effect of

39 Ibid., 115; Crane, Bombs, Cities, and Civilians, 127.
41 Ibid., 114-15.
bombing raids, the difference in the Pacific was that it became a specific target itself, rather than a benefit that resulted from the destruction of industrial objectives. An AAF study called “Japan, Incendiary Attack Data, October 1943” listed the primary effects of incendiary bombing, which would be the destruction of military targets, and the secondary effects, which were related to civilian morale. Additionally, in 1944 it was theorized that to target civilian morale would distract the population with relief and repair, which would cause a 30% fall in production that would last over several months. Commander William M. McGovern of the Office of Strategic Services was employed to investigate psychological tactics against the Japanese, and recommended exploiting what he believed to be the “panic side” of the Japanese by employing non-precision tactics.

While there is no evidence the Americans had data on the effectiveness of German morale bombing, they believed that incendiary attacks would be able to cause a greater amount of destruction in Japan, and clearly believed these attacks could cause a huge blow to Japanese morale. These calculations began to converge more and more with the Douhetian logic the British adopted while bombing Hamburg and Dresden — to bomb vital centers would cause civilian morale to plummet so low a war would end more quickly. In Europe, the Americans believed that the best way to target civilian morale would be to slow the war effort, while the British believed that the best way to target civilian morale would be to induce fear, and to target first responders in cities to ensure that attacks in civilian areas would be more devastating.

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42 Searle, "Firebombing of Tokyo," 117.
43 Schaffer, Wings of Judgment, 112.
44 Ibid., 118.
Now, American researchers into incendiary bombing began to embrace this mindset as well.

Incendiary bombing presented itself as an answer to the AAFs problems, because it presented a chance to end the war quickly and thus save the reputation of the AAF and the B-29s. In terms of ending the war, this weapon was seen as an efficient method that would save the American lives projected to be lost during Operation Olympic, the land invasion of Japan. American leaders of the entire military were convinced at this point in the war that efficiency was paramount. In March 1945, an efficient tactic became one that could shorten the length of the war and minimize the number of American lives lost, in the face of a prolonged and frustrating conflict with the Japanese. Incendiary bombing was deemed efficient.\(^\text{46}\)

Raymond H. Ewell, a chemist studying incendiary weapons for the U.S. military, believed that firebombing Japan would not only shorten the war, but also save “many thousands of American lives.”\(^\text{47}\) LeMay himself believed that incendiary actions would save between half a million and a million American lives.\(^\text{48}\)

Specifically, American leaders believed that incendiary operations would have a significant impact on Japanese war making capabilities, as well as successfully destroy military targets. Lieutenant General Barney M. Giles, Deputy Commander of the AAF, wrote to LeMay in late April 1945 that LeMay’s incendiary operations in Tokyo were bound to have a significant effect on the Japanese ability to wage war.\(^\text{49}\) AAF commanders contended that firebombing was the only way to hit military

\(^{46}\) Crane, *Bombs, Cities, and Civilians*, 133.
\(^{47}\) Schaffer, *Wings of Judgment*, 120.
\(^{48}\) Toland, *The Rising Sun*, 672.
targets, especially if precision bombing was not doing the trick.\textsuperscript{50} Furthermore, they believed that now was the time to act aggressively toward the Japanese. In a letter to LeMay on April 3, 1945, Norstad stated that this was Japan’s “hour of decision,” and noted that the target areas were chosen in consideration of both industrial importance and the area’s susceptibility to fire.\textsuperscript{51} In a different telegram, Norstad also noted to LeMay that the “material and morale effect of such a large scale attack would be maximum at this time.”\textsuperscript{52}

The AAF began to investigate incendiary bombing as a result of a variety of pressures late in the war, including the broad Allied goal to end the war efficiently, as well as the AAF’s own goal of demonstrating the value of strategic air power through the success of the B-29 program. As the pressures mounted, the AAF began to find incendiary bombing tactics more appealing. In order to more clearly demonstrate success, the AAF redefined what “effectiveness” meant for their missions. So, in order to increase the total amount of destruction they could report, the AAF considered anything that could arguably contribute to the war effort to be a suitable target. Previously, precision bombing doctrine was considered effective because it eliminated specific types of targets that contributed directly to an enemy’s war effort without unnecessarily wasting resources. Now, it was less important that specific targets be destroyed, and more important that large amounts of area be destroyed to clearly and physically demonstrate success. Incendiary bombing provided an


opportunity to practice this new doctrine of effectiveness. It appeared to be a method that could bring the war to an end, and bring glory to strategic air power.

3. The Redemption of the B-29s

The Target

The stated targets of the incendiary raids in Japan were broadly industrial objectives, in order to dislocate the Japanese economy and industry. However, often a given target was never stated in any clearer terms than simply “industrial targets” or the “Japanese economy.” Throughout the end of the war in the Pacific, Arnold held to the belief that the key to bombing Japanese cities was to target industry and the economy. He believed that destroying Japanese war making capabilities by targeting industry was essential to saving American lives. However, it was unclear what the raids’ targets actually were in a more precise sense than simply crippling cities’ industrial capacities. LeMay’s personal interpretation of the raids’ targets appeared to be very broad. He wanted Tokyo “‘burned down — wiped right off the map,’” and every industrial area in the city to be destroyed and the whole city devitalized. In other words, the Allies wanted specifically to target the Japanese economy, but were not specific about how this should be accomplished.

53 Ralph, "Improvised Destruction," 500-01.
54 Ibid., 517.
Additionally, the mission reports from the incendiary raids themselves demonstrate that the idea of industrial targets was painted in broad strokes. The “Importance of Target” sections in each of the reports from the first five incendiary missions from March 9 to 19, 1945, emphasize the importance of Japanese industry to the Americans. Mission No. 40, the first incendiary raid on Tokyo, describes the target, Tokyo’s urban area, to be significant as a hub of communication and commerce, containing substantial portions of all Japanese industries and concentrations of war industry that produced tools, electronics, petroleum, and other materials used in war production.57 The other four reports contain similar descriptions.

Nowhere, however, do any of the “Importance of Target” sections describe exactly how the destruction of these areas would specifically contribute to the American war effort. In only one of these five reports was the significance of specific “industrial targets” in the city justified with any detail. The mission report for the March 11 raid on Nagoya describes the destruction of the target, the “Urban Area of Nagoya,” to be important because it would prohibit freight traffic from moving across the country, and therefore seriously hinder the Japanese aircraft industry.58 However, the report for the original Tokyo raid offered no justification beyond the fact there were many different industries active in the city. The report for the raid on Osaka on March 13 described the targets’ importance in a similar way to the Tokyo raid: the whole city was considered a significant industrial area due to the amount of industry.

in the city.\textsuperscript{59} In other words, in some cases any industry, no matter what it actually contributed to the Japanese war effort, was considered a valid military target.

One may also note that in the damage breakdown of these reports, many of the counts of damaged infrastructure were not specific industrial targets, but “residential areas,” “miscellaneous areas,” or other non-industrial targets, such as schools and shrines. For example, on the return trip to Nagoya, considered the more successful of the two raids on the city, 25 damage areas were listed in the mission report, and 13 of these were completely residential or non-military in nature.\textsuperscript{60} A similar analysis could be conducted for the other raids’ mission reports, and the analysis could also be altered to demonstrate that many of the destroyed areas were classified as either partially residential and industrial, or considered a combination of residential and “light industry” areas. In other words, the specific value of many of these targets was unclear, and much of what was destroyed could not be considered an industrial target.

Although the targets of the incendiary raids were stated as industrial and strategic targets, Japanese civilians were naturally at risk to become victims of any American bombing raids because of the organization of Japanese industry — targets were often located in highly populated residential areas. The first fire raid in Tokyo, for instance, targeted one of the most densely populated areas in the world.\textsuperscript{61} The Japanese had chosen to disperse their industry throughout their cities, particularly their aircraft industry, because they feared American air forces could quickly decimate any consolidated military-industrial complexes. So, Japanese manufacturers


\textsuperscript{61} Crane, \textit{Bombs, Cities, and Civilians}, 131.
scattered facilities across the main islands, and each facility specialized in a different aspect of the production process. This decision often resulted in anger among residents because this dispersal increased the risk their neighborhood would become victim to American air raids.62

Also, although civilian life was not actively targeted, the nature of the Pacific War caused Americans’ attitude toward Japanese people to harden. From the start of American involvement in World War II, Americans perceived the Japanese and Germans as different types of enemies — sometimes, the Japanese were not even perceived as human.63 American soldiers recoiled at the Japanese thirst for war, and their desire to die rather than surrender. Within the AAF, in particular, many officers seethed at the stories of Japanese mistreatment of POWs. And, the worst insult of all was that it was clear the Americans would win, but that the Japanese would not allow this to happen without claiming as many American lives as possible. To paraphrase historian Max Hastings, the Japanese mainland came in range of American bombers at the moment American sensibilities had hardened toward their adversary.64

Furthermore, many members of the AAF no longer considered Japanese civilians as noncombatants. Many even believed that Japanese civilians were supporting the war industry from their homes.65 Additionally, once the Japanese organized a People’s Volunteer Corps, which conscripted men from fifteen to sixty and women seventeen to forty into defensive operations, the Fifth Air Force

63 Crane, Bombs, Cities, and Civilians, 120.
64 Hastings, Retribution, 282.
65 Ralph, "Improvised Destruction," 501.
intelligence determined “There are no civilians in Japan.” Curtis LeMay’s own opinion reflects that he believed Japanese civilians were complicit in Japanese warwaging to some degree:

We were going after military targets. No point in slaughtering civilians for the mere sake of slaughter. Of course, there is a pretty thin veneer in Japan, but the veneer was there. It was their system of dispersal of industry. All you had to do was visit one of those targets after we’d roasted it, and see the ruins of a multitude of tiny houses, with a drill press sticking up through the wreckage of every home. The entire population got into the act and worked to make those airplanes or munitions of war...men, women, children. We knew we were going to kill a lot of women and kids when we burned that town. Had to be done.

Curtis LeMay was not entirely wrong in his assessment of the Japanese dispersal of industry. As mentioned previously, the Japanese dispersed their industry throughout cities as a specific strategy. This made precision attacks against a specific industrial target much more difficult than in Germany, where factories were consolidated into military-industrial complexes. And, some Japanese civilians did participate in cottage industries to produce war materiel in areas surrounding factories. These cottage, or “shadow,” factories were located in small shops, or sometimes homes, in industrial areas to produce materials that would be sent to component shops. Next, these components would be sent to subassembly locations,

66 Crane, Bombs, Cities, and Civilians, 136.
and finally assembly would finish in factories. Given the fact these small shops were
difficult to identify specifically, precision bombing could not be implemented to
eliminate these targets.\footnote{Tillman, *Whirlwind*, 262-63.} However, there is no evidence to indicate that the “entire
population got into the act,” as LeMay suggests.

\textit{Power in the AAF}

Curtis LeMay commanded XXI Bomber Command with an extraordinary
amount of freedom, which enabled him to establish his reputation as a man who got
things done in Japan. LeMay benefitted from a command structure that was
organized in a manner that allowed his leadership to be particularly independent. Had
LeMay been required to report to MacArthur or Nimitz, his actions out of the
Marianas would have required greater justification. LeMay’s opinions and attitude
were different from that of more conventional generals. Both MacArthur and Nimitz
possessed a conservative view on the use of strategic bombers. Both of these
commanders saw the primary role of air power to be in support of ground and naval
missions.

Additionally, each possessed strict views on the importance of military
objectives. MacArthur, for instance, once launched a full-scale investigation on
Rabaul because it had been reported an air raid destroyed a hospital there.\footnote{Crane, *Bombs, Cities, and Civilians*, 122-24; Hastings, *Retribution*, 316.} So, while
civilians were not the stated targets of the fire raids, LeMay would likely have had to
go to more effort to justify bombing highly populated industrial areas to these
commanders. But, LeMay did not need to justify his actions to these people. He needed only to report to Arnold.

Arnold had orchestrated a unique command structure for the AAF in the Pacific that allowed LeMay to operate unilaterally. Arnold deliberately argued for an unusual command structure in order to protect the Air Force’s power over the B-29s. When the Twentieth Air Force began to oversee all B-29 operations, Arnold argued the bombers’ ability to fly through different areas to meet their targets should be prioritized over the unit’s unity under one theater commander, MacArthur or Nimitz. As a result, after the Joint Chiefs of Staff of the American military, of which Arnold was a member, created the Twentieth Air Force in April 1944, he was officially afforded the ability to personally direct the Twentieth Air Force from Washington. Airpower was safely in the hands of airmen.70 And, the United States Army Air Force was granted another step toward establishing an independent air arm.

LeMay seized his opportunity. The maverick commander was provided the ability to act independently, and he did so. LeMay planned the incendiary raids without running his plans by Arnold. LeMay did not disclose that he would use what would later be considered radical new tactics that, prior to the first raid, B-29 crews perceived to be so dangerous as to be completely suicidal.71 LeMay also designed the first incendiary raid on Tokyo without consulting any leadership in Washington.72 And in turn, Washington never consulted him, never giving LeMay explicit directions

70 Searle, "Firebombing of Tokyo," 110-11.
71 Crane, Bombs, Cities, and Civilians, 131.
72 Toland, The Rising Sun, 671.
for strategic operations. As a result, Curtis LeMay was about to transform American incendiary bombing theory into his own inexorable, practical application.

*The Action*

On the night of March 9, 1945, LeMay gave the order to attack the Japanese capital, Tokyo. 325 B-29 Superfortresses dropped 1,665 tons of incendiary bombs on one of the most densely concentrated urban areas in the world, Asakusa Ku. The area housed 135,000 people per square mile. The primary target was a three by four mile area of downtown Tokyo, where 750,000 workers lived. The raid began in a fashion that echoed the bombing of Pearl Harbor not four years earlier. The day of the incendiary bombing, the radio reported no immediate danger to the civilians on the ground. Most civilians thought any alert was just a false alarm. With the beginning of this raid, LeMay began to practice the AAF’s new definition of effectiveness — that the most effective attack was the one that created the most destruction, not the most strategic destruction.

To accomplish this first raid, LeMay introduced what would be viewed as a new and innovative strategy of his own design. LeMay called for a flying formation that increased what he dubbed “compressibility,” which was maximizing the number of bombers flying across a target to inflict maximum damage, while simultaneously reducing exposure to flak and fighters. Additionally, he famously removed any unnecessary equipment (unnecessary, according to his viewpoint) from the B-29s to

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75 Tillman, *Whirlwind*, 139.
76 Toland, *The Rising Sun*, 673.
decrease their weight. He removed most .50 caliber guns and ordered the planes to fly low in order to save fuel and put less strain on the bombers’ fickle engines. Generally, B-29s would fly around 30,000 feet in altitude, but for this operation LeMay ordered the pilots to fly under 10,000 feet.\textsuperscript{78}

The planes were then loaded with various types of incendiary bombs. The first of these was the M69, a lightweight incendiary bomb that released napalm on impact. When dropped from 30,000 feet in loose packets, these weapons often landed far from the target area. However, an “aimable cluster,” with superior ballistics, containing numerous M69s, provided more accuracy and would land closer to the target area.\textsuperscript{79} Especially, after the flying altitude was lowered. The other types of firebombs were the M74, which would detonate no matter on which side of the bomb it landed, and spewed a burning stream of jellied gasoline at least 180 feet with sufficient force to break through Japanese construction. Finally, there was the M76, nicknamed the “block burner” due to its ability to ignite larger, more visible flames than the other incendiaries.\textsuperscript{80}

The assault on Tokyo was only the first of many assaults on major Japanese cities between March and the Japanese surrender in August. And, this assault was only the first that week. On March 12, LeMay’s B-29s travelled to Nagoya. This raid was less successful according to the AAF’s new bombing standards: only two square miles burned. On March 13, LeMay’s forces attacked Osaka, Japan’s third largest city. More than eight square miles of the industrial area and harbor area were destroyed: 3,000 were killed. On March 16, the American bombers went to Kobe,
where three square miles burned, 8,000 were killed, and 650,000 were made
homeless. On March 19, the B-29s returned to Nagoya once again. The B-29s
damaged or destroyed many industrial targets, although they were not able to touch
the Mitsubishi manufacturing plant.\textsuperscript{81}

AAF success in Japan meant the progressive dismantling of Japanese cities. The B-29s
would not cease visiting a city until it was eliminated as a target. Tokyo
serves as a prime example of this. Between May and August 1945, the U.S.
firebombed approximately sixty Japanese cities.\textsuperscript{82} Tokyo itself was revisited
numerous times. On April 13 and 15, the B-29s returned to hit sections of the city not
previously destroyed.\textsuperscript{83} On May 23, the bombers returned to the Tokyo Harbor area,
which included residential and industrial communities, although they had instructions
to avoid hitting the imperial palace. While flames did reach the Imperial palace, the
Emperor and Empress were safe in their underground shelter. Thirty-six hours later,
the raiders returned to the center of Tokyo with 3,262 tons of incendiaries. After this
raid, 16.8 square miles of the financial, commercial, and governmental districts lay in
ruins, including a prison center that housed sixty-two imprisoned Allied airmen.\textsuperscript{84} All
in all, the Superfortresses destroyed 56.3 square miles of Tokyo — over 51% of the
city.\textsuperscript{85}

Other cities received similar treatment. After the first few raids in March,
Arnold called for further destruction of “whole industrial cities.”\textsuperscript{86} A few days after

\textsuperscript{81} Ibid., 154-55; Hastings, \textit{Retribution}, 305.
\textsuperscript{82} Chappell, \textit{Before the Bomb}, 102; Hastings, \textit{Retribution}, 314.
\textsuperscript{83} Schaffer, \textit{Wings of Judgment}, 137.
\textsuperscript{84} Toland, \textit{The Rising Sun}, 744.
\textsuperscript{86} Ralph, "Improvised Destruction," 518.
the May Tokyo raid, the B-29s bombed the nearby city of Yokohama, Japan’s fifth largest city. To accomplish this, the U.S. used 517 bombers, and left 85% of the urban area in flames. Cities progressively were eliminated as targets. Because the Tokyo-Yokohama area was destroyed, the bombers began to focus on Osaka and Kobe. Within two weeks, both of those places were also eliminated as targets. If effectiveness is measured by the greatest amount of destruction, the incendiary raids were unequivocally successful.

It is also worth noting that while the point of targeting industrial areas was to put pressure on the Japanese war making capabilities, there was a secondary psychological aspect of these raids by mid-summer. Beginning July 27, the AAF dropped 600,000 leaflets over eleven Japanese cities warning civilians that some of these cities would be destroyed — the leaflets did not say which cities, however. During this first psychological raid, six of the eleven cities were firebombed. This tactic was repeated in early August, and, again, not all of the cities warned were bombed. So, this strategy was not designed to warn civilians of raids: it was designed to make them live in fear. In at least this way, the Americans had officially begun to pressure the Japanese civilian population to hasten the end of the war.

There were many conventional reasons for the Americans to consider these missions a victory worth celebrating. There were negligible American plane losses throughout the entire incendiary bombing campaign: U.S. bomber losses fell to 0.3% per mission. The bombing had also achieved a scale of destruction it had taken

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87 Toland, *The Rising Sun*, 745.
88 Ibid., 744.
years to reach in Germany in only a matter of months, because Japanese buildings burned more easily.\textsuperscript{91} Additionally, bombing accuracy rose from 12\% to 40\%, from the start to the end of these missions, and created a climate of euphoria in the AAF.\textsuperscript{92} It is important to note that accuracy in this context means only that one is eliminating targets, not that one is accurately hitting \textit{only} those targets — consistent with the AAF’s new definition of effectiveness.

Despite these conventional reasons for celebration, the AAF also used more questionable metrics for success that reflected their new definition of effectiveness. These are notable because they measure quantity without necessarily acknowledging the quality, meaning the real consequences, of these actions. Norstad wrote LeMay a summary of events in March 1945. He said that for incendiary missions against four cities, every 100 tons of bombs accounted for 1/3 of a square mile of destruction, and that XXI Bomber Command had opened up entirely new strategic possibilities for the future of bombing operations.\textsuperscript{93} The official citation for excellence awarded to LeMay and his subordinates concentrated on the flight’s physical damage statistics rather than the specific targets that were destroyed. The citation read that over a period of 10 days, 1,472 aircraft, along with supporting planes, dropped about 10,000 tons of incendiary bombs and

\begin{quote}
Struck at the heart of highly industrialized Japanese areas. Photographic results of these attacks show that 16.8 square miles of Tokyo’s industrial core were destroyed; 8.4 square miles of Osaka’s industrial section were left
\end{quote}

\textsuperscript{91} Ibid., 306.
\textsuperscript{92} Ibid., 307.
burning; 2.4 square miles of the industrial center of Kobe were devastated; 2.2 square miles of Nagoya; and 2.8 square miles were destroyed on the return attack to Nagoya.\textsuperscript{94}

\textit{Collateral Damage}

Despite the sheer proportion of Japan that was destroyed, the quality of targets destroyed was not quite as clear. This is demonstrated by a comparison of how well the objectives of the firebombing missions were actually met, and the degree of collateral damage created. Clearly, the bombings created a tremendous amount of damage to Japanese infrastructure. More than 100 square miles of the principal cities in Japan were obliterated, including two million buildings and one third of all construction.\textsuperscript{95} This physical damage is also indicated by the fact that the AAF literally began to run out of targets by August 1945.\textsuperscript{96} Finally, the physical damage is illustrated by the ferocity of the flames and their ability to cause damage long after B-29 crews dropped their bomb loads. The day after the initial incendiary attack on Tokyo, it was reported to LeMay that fires were still burning, and smoke continued to rise 16,000 feet into the air.\textsuperscript{97}

But, badly damaging infrastructure is not equivalent to badly damaging the Japanese war making capabilities. The main goal of the fire attacks was to disrupt the Japanese economy. These raids did damage the Japanese economy, as was intended,

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\textsuperscript{94} Lauris Norstad, \textit{Letter on War Department Distinguished Unit Citation, April 4, 1945}. Letter. From Library of Congress, \textit{The Curtis E. LeMay Papers}.
\textsuperscript{95} Toland, \textit{The Rising Sun}, 745.
\textsuperscript{96} Hastings, \textit{Retribution}, 311.
\end{flushleft}
but not to the extent hoped and planned for. The bombers had not targeted the war industry effectively enough to protect against severe casualties in the event of a land invasion.\textsuperscript{98} And, the most flammable parts of Japanese cities did not actually contain the most valuable industrial targets. Also, Japan’s war making capabilities and economy were already suffering independently of the incendiary attacks, as a result of the American naval blockade around Japan.\textsuperscript{99} And of course, Nimitz was always eager for more air support from the B-29s.\textsuperscript{100} This last point has caused some scholars to suggest that incendiary-bombing industrial targets in Japanese cities were not the only strategic choice, and perhaps not the least harmful choice, available to LeMay to complete the Allies’ military goals.

The mission reports from these first March raids demonstrate that the collateral damage to civilian objects, that which exists independently of the military effort, interfered with the integrity of eliminating industrial targets in Japan. Each of the mission reports from this week includes an itemized list of damage caused to the cities. The “Damage Assessment Summary” in the Mission 40 Report records that 18% of the industrial center of the city was destroyed, and 63% of the commercial district were destroyed, along with the heart of the residential district, which totaled to 15.8 square miles of destruction. The report clarifies that the industrial center measured a total of 62.25 square miles, and the commercial district measured a total of 8.25 square miles. However, no measurement is listed for the residential district. Some quick math reveals that the sum of the total industrial area and commercial area destroyed equals about 16 square miles. However, without a measurement for the

\textsuperscript{98} Schaffer, \textit{Wings of Judgment}, 137.
\textsuperscript{99} Hastings, \textit{Retribution}, 318; Schaffer, \textit{Wings of Judgment}, 137.
\textsuperscript{100} Hastings, \textit{Retribution}, 310.
heart of the residential district, the report cannot indicate how much of the 15.8 square miles destroyed were *military objectives*, targets that contribute to the war efforts’ progress.\(^{101}\)

The Mission 41 Report, compiled on the first Nagoya raid, records in the damage summary that “18 industries” were destroyed or damaged. However, the “List of Damage” section shows that the majority of targets destroyed were not related to industry at all. 83% of the targets destroyed were listed as either “Miscellaneous” or residential in nature. 17% were listed as industrial. Of that 17%, only 9% were *identified* industry — the other 11% were listed as “Unidentified Industry.”\(^{102}\) In the return trip to Nagoya, several new categories were added to the damage assessment list, including “light industry” and areas that were a combination of light industry and residential areas. During this trip, only about 4% of the area destroyed were completely industrial in nature. However, if one counts the target areas that combine residential and “light” industrial areas, along with the completely industrial areas, then the total destruction of industrial objectives equals about 90%.\(^{103}\) So, it is difficult to tell how many military objectives were actually destroyed, and what their contribution to the war effort actually was, because many of these targets were not identifiable, and “light industry” is never defined.

When all was said and done, neither Japanese industry nor the Japanese people were brought to their breaking point as a result of these attacks. Despite the level of physical destruction, few of the most valuable targets, and very few specific targets, were destroyed. Much of what had been destroyed was either not a valid

\(^{101}\) XXI Bomber Command, *Mission No. 40.*
\(^{102}\) XXI Bomber Command, *Mission No. 41.*
\(^{103}\) XXI Bomber Command, *Mission No. 44.*
military target, or was unable to be unidentified in the mission reports, meaning there is no way to confirm that a military advantage resulted from the destruction of those particular industrial areas. Additionally, the fire raids did not strike at Japanese industry in a way that would have actively limited American casualties in the case of a land invasion of Kyushu. So for all of the effort expended and the innovations introduced on these raids, the Americans had failed in their primary mission with the fire raids. In retrospect, one might reasonably wonder if it had been necessary for LeMay to conduct these raids at all.

The AAF Reacts

The AAF considered LeMay’s actions a success, which shows that he satisfied air power’s new expectations of effectiveness. The incendiary raids had destroyed a tremendous amount of physical area. It appeared that not only did he manage to hit targets over Japan, which had not been achieved since air bases were established in the Marianas in late 1944, but he was also able to completely dismantle the country’s industrial areas — so forcefully that entire cities were eliminated as targets. LeMay’s actions singlehandedly transformed the mood in the air force from discouragement to elation. Officers in the AAF could not have gone further out of their way to congratulate LeMay for his efforts. The results of the incendiary bombing effort were seen as extraordinary. F.L. Anderson congratulated LeMay on the March missions as a job exceedingly well done. In light of the original March 9-10 mission,

104 Schaffer, Wings of Judgment, 137.
105 Ralph, “Improvised Destruction,” 514.
Arnold wrote to LeMay that the AAF is the only military organization that could let the Japanese know that theirs is a “futile struggle,” and that the AAF would soon have the capacity to destroy entire industrial cities.\textsuperscript{107}

LeMay’s actions were seen as a revelation in bombing. In one letter, Norstad wrote LeMay that a quick glance at a map shows that over half of Tokyo is gone, which indicated that this was surely one of the most impressive campaigns in bombing history — from Norstad’s perspective.\textsuperscript{108} A memo on new command as of July 1945 wrote, “The tactics of LEMAY already have been driven home deeply to us.”\textsuperscript{109} Meaning, the AAF believed that LeMay’s tactics were demonstrably successful through the entire incendiary campaign. So, not only were the March raids celebrated, but the subsequent raids through August, as well.

The incendiary operations were not just what the AAF longed for to demonstrate the value of air power and an independent air force, but exactly what the military needed to finally end the war and save American life. In the end, Arnold believed that this action destroyed the Japanese war making capacity, and thus saved American lives.\textsuperscript{110} And Norstad wrote LeMay, “Yours is a splendid victory that will live in history as the one that finally brought peace to a wartorn world.”\textsuperscript{111} In the eyes of commanders at the time, LeMay had accomplished exactly what the Americans needed, and hastened the end of the war.


\textsuperscript{110} Ralph, “Improvised Destruction,” 517.


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4. Conclusion

Due to conditions within the AAF, Curtis LeMay could, and did, construct a strategy that could meet the objectives of the AAF without precision bombing’s concern for collateral damage, and without the limitations placed on the operations of other branches in the Pacific or in the European theater. The targets of the fire raids were ambiguous, and took less care to protect civilian life than previous missions did. Additionally, LeMay had the freedom to operate almost entirely unilaterally due to the unusual leadership structure within the AAF.

The actual action of the incendiary raids reflected the AAF’s new definition of effective, which was created by the pressures the Allied forces faced on the whole, and the pressures the AAF faced internally. Effectiveness was now defined by the quantity of area destroyed, rather than by the elimination of specifically defined targets. So, because LeMay destroyed such a large amount of physical area, his attacks were effective, and therefore highly successful by these standards.

The AAF redefined the terms of success in war in order to demonstrate the might of strategic air power, particularly with the use of the B-29s. In practice, this meant that anything that could potentially be argued to be a military target, or an effective contribution to the Japanese war effort, would be in order to demonstrate strategic air power’s effectiveness. Additionally, large target areas became acceptable as the need to end the war quickly burned on the consciences of Allied leaders and commanders. The AAF’s priority on results laid the groundwork for the use of incendiaries as a weapon, the decision to deem the entire Japanese economy as
a target, and the ability of Curtis LeMay to operate unilaterally and carry out an unusual and innovative campaign.
Chapter Five

No Smoke Without Fire: The Trial of Curtis LeMay

1. Introduction: Incendiary Bombing and Unnecessary Suffering

The firebombing of Japan has not received more than casual attention from scholars in comparison to other campaigns during World War II. This is curious because other events of similar destructive magnitude have obscured the incendiary bombings, including Axis atrocities, the atomic bombs, and the two RAF firebombing raids, in Hamburg, 1943, and then in Dresden, 1945 — which were less devastating to the German population than the some-sixty firebombings in Japan. The most puzzling reason the fire raids have been largely ignored within the literature, however, may be that many scholars have made off-hand moral judgments of the bombings without providing any detail as to how they came to, or what evidence supports, their judgment.

Michael Walzer, author of War and War Crimes, makes only a brief comment to the effect that the Allies were not morally justified in attacking Japanese cities with incendiary bombs. He asserts in only a sentence that the Americans were only “morally required” to defeat the Japanese, rather than to completely conquer them through methods such as incendiary bombing.1 Even scholars who go to a great level of historical detail about the incendiary bombings stop short of confirming their opinions on the campaign for the reader. Max Hastings writes at the end of his

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chapter on the incendiary bombing of Japan, in *Retribution*, that LeMay claimed to regret nothing about the “scorched and boiled and baked” Japanese people the night of the first large-scale incendiary raid on Japan, March 9, 1945. However, Hastings does not interpret this quote for the reader, which leads the reader to believe that perhaps LeMay *should* regret this action. So, if scholars are so willing to imply this event possessed an unsavory flavor, and perhaps even a criminal character, then what is their hesitancy to name it as such?

This hesitancy may be a result of the fact that, like almost all things, the firebombings of Japan cannot be neatly categorized into a black-and-white categorization of good or evil. One way to read the late-war events as they relate to incendiary bombing is that LeMay, and other AAF leaders, acted to prevent a prolonged conflict that would create astronomical destruction and lead to the loss of millions more American lives. Although the firebombing campaigns were not as successful as they appeared to those who celebrated them, in the moment they appeared to be the only option available to defeat an enemy who did not know how to quit. The other interpretation of the events is that firebombing was not the only option available to the Allies, and that the act in and of itself created excessive collateral damage. According to this view, this course of action was chosen less because it was the best tactical option, and more because it was the best option to demonstrate the value of strategic air power.

The underlying message of the first of these arguments is the claim that LeMay did what he believed was required in his historical moment, which was to end the war and save lives. The other perspective claims that LeMay inflicted

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unnecessary suffering on the Japanese civilian population in order to meet the goals of the military and the AAF.

In order to parse out the merits of each of these arguments, and make more than a flippant claim about the moral status of the bombings, an analysis through the lens of war crime theory outlined in Chapter Three is required. This lens provides a precise framework to answer the questions posed by the incendiary bombings. Otherwise, as previous historians have illustrated, the conclusion becomes, “while this action was clearly a war crime, the Allies had to do what was necessary to end the war.”

This is a dangerous mode of thinking, as it avoids discovering historical answers that may contradict our cultural memory of World War II. It is also dangerous because it echoes the Walzerian “supreme emergency,” the idea that there may be wartime situations dire enough it becomes acceptable to target the enemy civilian population. This was shown in Chapter Three to be an ineffective method to analyze war crimes, and all justifications of targeting civilians, even in a supreme emergency, to be illegal. The mentality that actions can be dismissed simply because they appear to have been required can let leaders literally get away with murder.

If it is truly the case that the incendiary bombings of Japan were required to win the war in the Pacific, the historical record, rather than our biases, must prove it. This requires open-mindedness about several factors. The first is a realistic perspective on the American military’s frustration with the Japanese at this point in the war, in 1945. The second is a realistic perspective on the careerist aspirations of the AAF as an organization, as it was described in Chapter Four.
That said, hindsight is twenty-twenty: while the firebombings may in retrospect appear to be a cruel and excessive means to achieve Allied goals, at the time the Allies believed the war would continue on well past the beginning of this campaign, until November 1945 at the earliest. They were operating under the assumption that the land invasion of Kyushu, the main Japanese island, became a more realistic future with every passing day. And in March 1945, few knew that the nails in the coffin of the Japanese Empire — the two atomic bombs — even existed.

It is important to analyze Curtis LeMay’s actions through lens of war crime theory, particularly the law on unnecessary suffering, because one historical perspective depicts a man who did what was required by his historical moment, and the other perspective shows a man who created needless terror for the Japanese civilian population. The concept of unnecessary suffering draws the line between military necessity and gratuitous violence. In the end, it will be shown that Curtis LeMay did in fact create unnecessary suffering in various forms for the Japanese people.

However, despite the fact that many of his actions turned out to be tactically inconsequential, and his success was generally measured in terms of his ability to hit any target over Japan and create the bombing’s spectacle, this in and of itself is not enough information to convict him of creating all forms of unnecessary suffering. Furthermore, LeMay did not deliberately target the Japanese civilian population to exact revenge for the pain Americans felt late in the war, caused by an enemy who would not quit. LeMay believed that it was essential to end the war with strategic air power, and he believed that his actions directly contributed to ending the war. So
while LeMay’s actions were motivated by the Allies’ military goals and the AAF’s organizational goals, and at the same time were dismissive of the consequences for the Japanese people, not all of his actions can be considered illegal given the complexity of the last year of war in the Pacific.

2. The Indictment of Curtis LeMay

In order to convict Curtis LeMay of any war crime, first he must be formally accused of one. This requires the construction of a statute produced by the legal principles discussed in Chapter Three. It is important to note that this model statute imports elements of ordinary domestic criminal law into the law of war. The purpose of this is to clearly articulate whether LeMay is guilty, and to what degree he is guilty, of committing a war crime in terms to which American readers will be accustomed. This task is essential in order to answer the question posed by historians’ apprehension to discuss the firebombings of Japan. Care must be taken to clearly articulate this reasoning given the fact that international law has a reputation for ambiguity, and to avoid haphazard condemnations or defenses of LeMay. The resulting statute is simply as follows:

*To purposely, knowingly, recklessly, or negligently create unnecessary suffering is a war crime. The war crime of unnecessary suffering may be caused by indiscriminate, disproportionate, and/or unnecessary action.*

Recall from Chapter Three that “unnecessary suffering” is the result of excess collateral damage to a civilian population in war which could have been avoided by making alternative choices or choosing alternative means of action. To create illegal
unnecessary suffering, one must fail to adequately limit their actions in warfare in
order to protect civilians to the extent possible under prevailing circumstances.

The first way unnecessary suffering can be caused is by indiscriminate action,
when an actor fails to use a weapon that can distinguish between appropriate and
inappropriate targets, or fails to aim for an appropriate target. The second route to
unnecessary suffering is via disproportionate action, which results when an action in
war creates excessive harm in collateral damage in comparison to military benefits.
And finally, unnecessary suffering can be caused by unnecessary action, meaning that
collateral damage could have been avoided if the actor chose alternative means to
achieve their objective.

The statute recognizes that unnecessary suffering can be caused with varying
degrees of *mens rea*, or criminal state of mind. This is an essential component of
unnecessary suffering: Both the Geneva Conventions and Rome Statute acknowledge
that unnecessary suffering is a war crime regardless of whether harm is caused
intentionally or not. These degrees of intentionality, as they exist in ordinary criminal
law, are purposeful, knowing, reckless, or negligent. These four degrees directly
correspond to one’s degree of guilt. The law considers it worse to intend to commit
harm, than to accidentally commit harm.

The degrees each signify a different level of awareness that one will create
harm by pursuing a particular course action. *Purposely* indicates that a person
actively intends to engage in illegal conduct in order to cause a specific result, usually
harm to another. Not only is a person who acts purposely aware that she will create a
certain outcome, but also she hopes or believes that harm will ensue. So, if LeMay
purposely created unnecessary suffering, then he performed the incendiary bombing raids for the express purpose of killing and hurting the Japanese civilian population.

*Knowingly* expresses that a person is aware that a particular outcome that will create harm for others is practically certain to result from his actions, although he does not intend to create this harm. For example, suppose a burglar intends to steal the Crown Jewels from the Tower of London, and detonates a bomb amidst a crowd of people in order to break the lock on the safe that stores the treasure. He did not wish to kill those people, but he knew they would die in order for him to reach his goal. In order for LeMay to have knowingly created unnecessary suffering to the Japanese people, killing them must not be his intention to achieve his purposes, but he must have knowledge that they would be killed as a result of his actions.

The term *recklessly* signals that an actor is aware that their actions are accompanied by a substantial risk of a certain harmful outcome, but he proceeds anyway. The difference between “knowledge” and “recklessness” is that when there is knowledge it is almost certain a particular outcome will result: when behavior is reckless, one is not sure exactly what outcomes will arise from their action. For instance, it is reckless if the burglar set the bomb to detonate at a time of night when they did not believe anyone would be near their prize, but security guards *could* be guarding the jewels. The bomb explodes when one guard makes her midnight patrols, killing her. This outcome was not guaranteed, but the burglar knew there was a substantial risk this could occur. In order for LeMay to recklessly create unnecessary suffering, he must have been aware that there was a substantial risk that
Japanese civilians would be killed as a result of his actions, but that this was not a certain consequence.

Last, *negligently* means that a person should have been aware of a substantial risk associated with their action, but was not. This state of mind is most closely associated with carelessness. If LeMay negligently created unnecessary suffering by firebombing Japan, he would not necessarily know that his actions would create harm, but the circumstances would have been such that he *should* have been aware there was a high risk to inflict harm on civilians.³

The formal charge against General Curtis LeMay is that he knowingly caused unnecessary suffering to the Japanese civilian population. It is clear that LeMay did not act *purposely* to create excessive harm to enemy civilians. All of the facts show that LeMay’s actions were motivated by a pursuit of mission-related goals, whether those were the military’s goals to end the war quickly and save American life, or the AAF’s goals to demonstrate the might of strategic air power and the value of an independent air force. LeMay did not willfully inflict pain upon Japanese civilians. Recklessness is not quite correct either, because LeMay was not aware that his actions would create a risk that large amounts of civilians would be killed, instead he was confident that a large number of civilians would be killed. In light of this, negligence would be simply incorrect, because LeMay was not unaware of a harmful outcome that he should have been aware of.

In order to prove guilt on any of these charges, it must be demonstrated that LeMay knew he would create unnecessary harm through one of the three types of unnecessary suffering, as well as prove that he actually did create unnecessary suffering. In the case the argument against LeMay falls short of these criteria, he must be acquitted on that count. With this in mind, the model prosecution for this case will argue the following points:

1. LeMay is guilty of knowingly acting indiscriminately to create unnecessary suffering, because he was well aware that incendiary bombs were uncontrollable weapons that cannot distinguish between combatants and noncombatants; additionally, he recognized that the definition of his target areas subsumed civilian objects, targets without any military value, into legitimate military objectives, targets associated with a particular military benefit.

2. LeMay knowingly acted disproportionately to create unnecessary suffering, because the military benefits paled in comparison to the collateral damage caused by the incendiary bombing of Japan. He knowingly chose a disproportionate method and target area in order to meet the AAF’s organizational goals.

3. LeMay knowingly created unnecessary suffering by failing to choose the least harmful course of action available to him. He was aware that appropriate alternatives were available, but rejected these because they interfered with the AAF’s professional aspirations.
3. The Trial of Curtis LeMay

Discrimination

(1) Inherent collateral damage

Curtis LeMay knowingly violated the first principle of discrimination because incendiary bombs are inherently indiscriminate weapons, and therefore illegal. Additionally, he was well aware that this weapon would be uncontrollable in practical use. The first principle of discrimination states that a weapon is indiscriminate if the weapon’s design inherently creates a risk of excessive collateral damage, and/or one cannot guarantee the weapon will hit a specific target when used properly. Collateral damage in this case is excessive because the weapon promises to operate unpredictably. In regard to the first aspect of this principle, incendiary bombs create an inherent risk of excess collateral damage because they cannot be controlled with reasonable enough accuracy to limit the amount collateral damage caused under any conditions.

A weapon’s accuracy is directly related to the amount of physical control a soldier can exert over it: more control equals more precision, and vice versa. The scenario from Chapter Three where a soldier utilizes a landmine to eliminate her target reflects the circumstances of the incendiary raids. In the hypothetical, a landmine did not offer reasonable accuracy because the soldier could not herself control who would step on the mine or when it would be detonated. The only control she had was where she placed the mine. Additionally, the example of a cluster bomb
demonstrated that a weapon is inherently indiscriminate if its trajectory cannot be controlled towards a specific target. Although someone firing cluster munitions can choose the general area towards which they fire, they cannot control what direction any of the munitions will travel from there. It is just as likely the munitions will hit their target, as it is they will not. It is only the soldiers’ guesswork that might improve the odds the weapon will destroy its exact target.

The use of incendiary bombs against Japanese cities echoes the principles these two hypotheticals outline. The B-29 crews could not aim their bomb loads with reasonable accuracy, or control the trajectory of destruction after releasing their bombs. The crews could only choose where to aim their bomb load, but afterwards could not control where the weapon’s flames would travel — whether in the direction of the desired military objectives or toward civilian objects. The crews could aim their bomb-load over an area that contained relatively higher concentrations of military objectives, but once the bombs detonated there was no guarantee that the flames would come close to the military objectives.

One example of the failure to reach a specific target is that on one mission the crews were given express orders to avoid the Imperial Palace in Tokyo, yet flames reached the seat of power in Japan anyway. Another example is the comparison between the two trips to Nagoya the week of March 9, 1945. The latter trip destroyed considerably more area than the first, despite the fact that almost no tactical changes had been made between the two trips, and there was no significant change in

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unpredictable factors, such as weather.\textsuperscript{5} So, incendiary bombs increase the risk of excess collateral damage because they cannot be controlled to aim for a specific target.

Previous American experience with incendiary weapons underscores both that these weapons cannot be controlled to eliminate a target with reasonable accuracy, and also that Curtis LeMay was aware that these weapons were indiscriminate. To begin with, the Dresden and Hamburg firebombings illustrated the destruction a conflagration caused by incendiary bombs could create in practice. Secondly, American investigations into incendiary bombing explicitly researched how many bombs were required for fires to burn out of control in Japan.\textsuperscript{6} This question indicates that American leaders knew that this weapon could be highly volatile in use.

Additionally, American leaders had the chance to see this volatility first hand. The “Little Tokyos” in Florida were designed to test incendiary bombs because Americans were aware that Japanese architecture was particularly flammable. Parts of these experimental structures were completely destroyed by fires that blazed out of control.\textsuperscript{7} Lastly, it was evident that it was impossible to estimate the amount of destruction this weapon would cause; yet these attacks persisted until the Japanese surrender in August 1945. While unpredictable factors may well cause a discriminate weapon to miss its mark, incendiary bombing attacks could either result in a minimally damaging outcome, or a hurricane-force firestorm. Such a firestorm


\[7\] Ibid., 122.
occurred during the first Tokyo raid, and was not recreated the rest of the initial week of bombing.

In other words, LeMay had information available to him prior to the bombings that this weapon was indiscriminate, and after the first week of the raids he had information that this weapon was difficult to control. Whereas a soldier may not be able to predict that a gust of wind may blow a bullet from her rifle away from her target, a soldier can predict that a cluster bomb or incendiary bomb is not likely to hit a specific target. So, incendiary bombs are inherently unpredictable because they will always be unpredictable, not simply in circumstances out of the B-29 crews’ control, such as weather. Incendiary bombs themselves should be illegal, just like poison gas is formally illegal because it is indiscriminate. This weapon is clearly inherently indiscriminate, and therefore there are no circumstances under which its use can be justified by the law of unnecessary suffering.

Although the history of American incendiary bombing demonstrates that using these weapons against Japanese cities was not entirely LeMay’s idea — scientists and other officers in the AAF explored use of this weapon prior to LeMay assuming command of the B-29s — the general still bears criminal responsibility for choosing to use this weapon. It is unconvincing to absolve LeMay of guilt on this principle simply because other American leaders had already gone to great lengths to determine how these weapons could be used in the Pacific theater, and to advocate for their use. LeMay operated with extraordinary independence. Therefore, although incendiary-bombing Japan had been green-lighted as an acceptable tactic at a higher rank than his, it was his decision to actually employ this method. Due to the
ambiguity of orders from Washington and General Hap Arnold, LeMay implemented this particular weapon without any approval from higher-ranking officers. Despite interest in incendiary tactics among some members of the AAF, ultimately LeMay’s decision to attack Japanese cities with incendiary bombs was unilateral, and he did not consult either Arnold or Washington about his plans.⁸

(2) Specific and Acceptable Targets

LeMay knowingly violated the second principle of discrimination because while many of this mission’s chosen target areas represented the AAF’s new definition of “effectiveness” — to create as much physical destruction as possible — these targets cannot uniformly be considered specifically acceptable targets. The second principle of discrimination states that to meet the requirements of discrimination, one must aim for a specific and acceptable target, which is one that poses a credible threat to the mission and/or actively contributes to the enemy’s war effort.

As a result of the AAF’s interpretation of “effective,” unacceptable targets became subsumed within the larger target areas, which were designated as “urban areas” and “industrial areas.” While some of the raids’ targets clearly contributed to the Japanese war effort, such as steel manufacturers and aircraft factories, some targets’ contributions were more dubious. The incendiary raid mission reports’ “damage assessment report” sections often illustrate the ambiguity of a given target’s contribution to the Allied war effort. Many of the mission reports list that the total

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damage done includes the destruction of “residential areas,” a city’s “commercial district,” “light industry,” and “business and residential area.”\textsuperscript{9}

It is impossible to tell whether these targets were acceptable or not from the vague way the mission reports describe them. Not all commerce contributes to the war effort; much exists independently. If these “commercial areas” produced steel, it could be argued that they made an effective contribution to the war effort. However, if these commercial areas were hair salons and bakeries, it becomes far more difficult to argue that their elimination contributes to the war effort. The definition of a civilian object is that it exists independently of the war effort, and it appears that much of what actually existed in the “urban” and “industrial” areas of these cities could not be argued to contribute to the Japanese war effort.

Additionally, it is clear that LeMay would have been aware of targets’ ambiguity. Recall that during the first raid on Nagoya, 83% of the areas destroyed were listed as miscellaneous or residential.\textsuperscript{10} This target designation reflects the AAF’s new definition of effectiveness. Although the damage reports could be used to indicate collateral damage in addition to targets damaged, the AAF’s celebration of total area destroyed indicates that all destruction was considered effective military progress. More importantly, because much of the damage could not be specifically identified, LeMay would have been aware that it was impossible to quantify how much of what was eliminated actually made a contribution to the war effort.


\textsuperscript{10} XXI Bomber Command, \textit{Mission Report No. 41.}
Additionally, he gave the order to attack urban areas in Japan to destroy Japanese industry.

However, while LeMay’s targets were not always acceptable military objectives, it should be emphasized that he did not purposely target the civilian population, despite Americans’ ever-growing frustration at the Japanese. There is no firm evidence in either the first incendiary raid mission reports, LeMay’s correspondence, or most historical accounts that LeMay actively aimed to kill civilians. However, scholars will cite euphemistic language used in documents on incendiary bombing written prior to the actual raids, and independently of LeMay, to make suggestions of wrongdoing toward the Japanese populace.

One of these reports concluded incendiary bombing would have the effect of “dehousing” workers, which may suggest the purposeful destruction of civilian property.\(^{11}\) Other scholars will record some of the terrible lived experiences of the raid’s victims, and describe the hellish ways many civilians died. However, this is all circumstantial evidence to insinuate that civilians were targeted. No conclusion can be drawn that explicitly demonstrates Curtis LeMay purposely aimed for civilians. It is true that Japanese civilians had become combatants in the eyes of many Americans. LeMay himself believed that Japanese civilians were participating in wartime industry inside of their homes — which was true, although not to the extent he believed. But this belief cannot be used to prosecute actions that LeMay did not take.

Thomas Searle is one author who explicitly argues that civilians were targeted in the fire raids. However, much of the evidence he presents is contradicted by other considerations. For one, he draws spurious connections between statements about the

incendiary raids and the *conduct of* the raids. Searle notes that after the war, Major General Ira Eaker, known best for his leadership role in the Eighth Air Force in Europe, stated “It made a lot of sense to kill skilled workers by burning whole areas.” However, Eaker made this statement *after* the raids were executed. And, he played no role in planning the incendiary raids. At the time of the first incendiary raids, Eaker was commanding air forces in the Mediterranean. It seems far-fetched that a commander a continent away could represent the actual intentions of the raids on Japan.

And, Searle’s most convincing evidence that the incendiary raids may have targeted civilians actually demonstrates that LeMay killed civilians *knowingly* — not purposefully. Searle claims the order for the March 9 raid indicated to B-29 crews that civilian casualties were a formal objective for the incendiary missions. The quote he cites from the order states that the raids would create “casualties” — not *civilian* casualties — that would, along with worker movement out of the city, the diversion of resources to construction, and lowered morale, affect employment at war production plants. This goal does have a Douhetian ring to it: degrade enemy resistance by disrupting daily life and affecting morale. However, it is likely, given AAF attitudes toward Japanese home industry, that factory workers were considered separately than civilians — LeMay himself said the line between civilians and

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combatants in Japan was thin, “but the veneer was there.” If this is the case, then LeMay knowingly killed civilians, because he knowingly killed factory workers, but he did not purposely target the civilian population. This is supported by the fact the March 9-10 mission report states explicitly

> It is noteworthy that the object of [the incendiary missions March 9 to 20] was not to bomb indiscriminately civilian populations. The object was to destroy the industrial and strategic targets concentrated in the urban areas of these four major Japanese cities. (Emphasis in original.)

In terms of evidence, the facts that point to the purposeful targeting of civilians is inconclusive, and easily countered, while the evidence that argues civilians were not purposely targeted is far more concrete in terms of both historical interpretation, and the actual mission reports. LeMay and other leaders knew that civilians would be killed as a result of the targets chosen for the incendiary raids, though it was not their intent to aim for civilians.

(3) Blanket Target Areas

Lastly, LeMay knowingly violated the third principle of discrimination because the AAF’s new mindset toward effectiveness allowed him to define what was in reality a blanket target area as a single, specific target. Additionally, he did not take precautions to protect civilian objects despite the greater risk a large target area posed to them. The third principle of discrimination states that one cannot aim for a

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blanket target area because one may hit a specific military target, or any target at all, and one cannot aim for a large target area when necessary without taking precautions to protect civilian objects. The principle also demonstrates that it is illegal to aim for blanket target areas without any type of strategic necessity to do so, because this cannot guarantee a military advantage.

The AAF’s new definition of “effective” allowed LeMay to redefine what was an acceptable target area for these raids, and define what objectively were blanket target areas as specific targets. The quantity of what was destroyed was prioritized over the quality of what was destroyed. Also, the way the AAF perceived LeMay’s actions reveals that he was celebrated for hitting any target, as opposed to a specific target. Members of the AAF did not point out that LeMay had eliminated particular industrial targets that would greatly aid the American war effort, they pointed out the sheer physical amount of damage he inflicted. Norstad, for one, considered the incendiary missions to be a successful bombing campaign because over half of Tokyo had been destroyed.\footnote{Lauris Norstad, \textit{Lauris Norstad to Curtis LeMay, April 18, 1945.} Letter. From Library of Congress, \textit{The Curtis E. LeMay Papers.}}

This attitude is significant in terms of the destroyed areas listed in the mission reports. Sometimes, the damage assessments would describe damage to specific industrial targets, such as “Target 1799, Hokuku Machinery Company.”\footnote{XXI Bomber Command, \textit{Mission Report No. 41.}} Other times, target areas would be defined as a combination of “residential” and “light industry,” further justifying objectives that might not be as valuable as a war production factory.\footnote{XXI Bomber Command, \textit{Mission Report No. 44.}} However, the fact that the \textit{physical quantity} of destruction was
celebrated means that both this specific objective and “residential” and “light industry” areas contributed equally to the perception of AAF success. Therefore, this action was indiscriminate because it failed to identify specific targets, in order to demonstrate that the B-29s could be a success on a larger scale. While this evidence is reflective of other officer’s attitudes, for which LeMay is not responsible, this demonstrates that he internalized the AAF’s new definition of effectiveness enough to plan missions that were successful by this new doctrine’s standards.

While some may argue that the nature of bombing over Japan required LeMay to aim for larger target areas in order to eliminate the specific military objectives chosen for these missions, LeMay still knowingly aimed for large target areas without a more specific objective than to destroy Japanese industry. In terms of discrimination, the problem is not that LeMay chose to area-bomb cities, it is how he did so — with incendiary weapons. Given the issues encountered in precision-bombing Japan, it was true that area bombing was required in order to destroy any objective: Japanese industry, in contrast to German industry, was sprawled across urban areas, rather than concentrated in military-industrial complexes.

However, LeMay knowingly chose large target areas in an attempt to bring the Japanese to their breaking point. LeMay once said of the incendiary raids “Bomb and burn ‘em till they quit.”\(^\text{19}\) This demonstrates LeMay’s belief that these raids would affect civilian morale. And Arnold once celebrated the fact that the incendiary raids meant the AAF would soon have the capacity to destroy entire industrial cities. He too believed that large target areas were the key to achieving the AAF’s military goals. So, the destruction of large target areas, rather than specific ones, was

\(^{19}\) Hastings, *Retribution*, 296.
acknowledged to be a method to break the morale of the Japanese people. One could say, in other terms, that LeMay knowingly began to bomb vital centers to achieve his goals.

Acknowledging that area bombing may have been the only practical option available to LeMay, he still knowingly violated the third principle of discrimination because he did not take the necessary precautions to protect civilian objects. The third principle of unnecessary suffering allows that one may aim for a large target area if required, as long as the available steps are taken to protect the civilian population. According to the third principle of discrimination, these could include use of a legal weapon or warning the civilian population of an attack. Obviously the former precaution was not taken. In terms of the second, the Americans did not provide any warning to Japanese civilians prior to the first raid on Tokyo — civilians’ first notice of the bombing in Tokyo were the Japanese air raid sirens.\(^{20}\)

Secondly, the only time a warning was issued, it was not a true warning, but a tactic deliberately designed to induce civilian fear as part of a psychological warfare campaign that began in mid-summer 1945. In July, B-29s began to drop leaflets over Japanese cities warning that multiple cities were at risk for incendiary attack, but would not confirm which cities would be attacked in order to make civilians fearful. Only several of the cities warned in a given batch of leaflets would be attacked.\(^{21}\) So, LeMay knowingly avoided warning civilians not because he desired that fewer civilians evacuate cities, and therefore more be killed, but because civilian fear supported the AAF to break Japanese civilian morale.

\(^{20}\) Toland, *The Rising Sun*, 673.
On the topic of precautions for the civilian population, the case of human shields should be noted. It may well be that the Japanese determined to use their civilians as human shields by embedding industry in residential areas. After all, Japan was known to treat its own people as expendable for the purpose of the war effort — death was always preferable to defeat. However, the third principle of discrimination emphasizes that in the case of human shields, an attacker should not be deterred from their objective, but should endeavor to take all precautions reasonably available to them to protect civilians lives whenever possible. Due to the layout of Japanese industry, area bombing was likely the only method LeMay could use to destroy any targets at all. So, LeMay is not responsible for civilians who died as a result of this method — the Japanese government is. However, he did not pursue the other precautions available to him, which was to use a legal weapon, or provide civilians a warning before attacking. These were his responsibility.

Verdict

Curtis LeMay is guilty of knowingly violating the principle of discrimination because he recognized that his actions would cause harm to the civilian population by failing to distinguish between combatants and noncombatants. He violated the first principle of discrimination by utilizing an illegal weapon. Facts were available to LeMay that demonstrated that incendiary weapons would cause uncontrollable destruction to Japanese cities. He recognized the destructiveness of this weapon, and proceeded anyway, because burning the targets appeared the best way to achieve the U.S. military’s and the AAF’s goals. Next, he violated the second principle because
he did not aim for a specific and appropriate target. The vague definitions for the missions’ targets were not specific enough to recognize the distinction between civilian objects and military objectives, and it is clear he recognized the industrial targets he chose would subsume civilian casualties.

Lastly, LeMay violated the third principle of discrimination because he aimed for a blanket target area, even though he knew that Japanese industrial dispersal guaranteed civilians would be killed. Although he recognized this fact about Japan’s industrial dispersion, he believed the way he defined targets to be necessary to win the war effort, and also necessary to demonstrate the value of strategic air power. Despite his beliefs, or the realities of Japanese industrial dispersal, however, there were realistic opportunities for LeMay to conduct this operation in recognition of civilians. Yet, he issued no warning to the civilian population, and failed to choose a legal weapon that might have operated more discriminately despite the increased target area.

Proportionality

In retrospect, Curtis LeMay’s actions created a disproportionate amount of harm in comparison to the benefits the incendiary missions yielded. The degree of harm LeMay’s actions caused were augmented by the pursuit of the AAF’s objectives, in addition to the military’s overall objectives. So, benefits were measured by the quantity of physical structures and area destroyed, and harms were measured only by the effects of the missions on the B-29s themselves, rather than by the collateral damage caused by these missions. Therefore, the AAF’s calculations of
benefits and harms were misguided as a result of the pressures they faced at the end of the war in the Pacific.

Despite these considerations, LeMay did not possess knowledge that his actions would create disproportional harm. He believed that the military benefits of the incendiary missions he planned would more than justify the harms caused to the civilian population: although he knew many would die, this was what his nation required of him. So, although LeMay’s metrics for success were misguided as a result of late war pressures and his pursuit of the AAF’s goals, he did not believe, nor could he have known that his actions would create excess harm or fail to yield substantial benefits because the actual outcome of these events was unpredictable at the time he carried them out.

(1) Disparity between collateral damage and required force

LeMay did not violate the first principle of proportionality, because although the B-29s persisted at a greater intensity than was actually required of the moment, there was no way LeMay could have known this was the case in the spring and summer of 1945. The first principle of proportionality states that an act is disproportionate if the act causes more collateral damage than is required to meet the objective. More specifically, this means that the harms outweigh the benefits, and become excessive, when more collateral damage was created than was minimally required to eliminate an objective.

In retrospect, it may appear that the B-29s were not required to continue returning to Japanese cities until they were completely destroyed for the purpose of
dismantling the Japanese economy. By the end of the raids, Tokyo and Nagoya were literally ruined cities. 51% of Tokyo had been burned, and the entire financial, commercial, and governmental districts were destroyed. The first reason this appears excessive is because target areas were defined too broadly, as was previously discussed. This means that benefits of a particular action could not be accurately measured. Additionally, more than just the industrial areas of cities were destroyed, including residential areas and commercial districts. This would appear to indicate that more was destroyed than was required to exenterate Japanese industry.

However, the principle of proportionality states that excess harms must be evaluated contextually. So, one must consider the perspective of air commanders at the time of this bombing to understand how LeMay understood the consequences, in terms of military benefits, of this bombing campaign. The first principle of proportionality explains that harms that would be excessive in one scenario may be acceptable in another, because in some scenarios the same objective may require more force to eliminate. Remember that it was acceptable for a soldier to throw a grenade into a crowd of civilians to eliminate her target if the grenade was the only weapon available. Likewise, if it was not possible to effectively use precision bombing to eliminate targets on mainland Japan as a result of weather, Japanese industrial dispersal, and the B-29s technical issues, then could LeMay’s tactics be said to have caused excess harm?

Consider the sheer physical effort required of LeMay to plan any successful attack over Japan at all. The level of effort required of LeMay to construct a successful bombing campaign at all was astounding. LeMay’s first obstacle was use

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22 Ibid., 137; Toland, *The Rising Sun*, 744.
of the B-29s in combat. In order to enable these planes to hit any target in Japan at all— which prior to March 1945 had not occurred consistently— LeMay was required to completely reevaluate the B-29 program, develop a new flight tactic and strip the plane of nearly all of its equipment, and fly at what had previously been considered dangerously low altitudes. All of these were solutions to the problem of B-29 technical bugs, and the issue of Japanese weather. His second obstacle was that of Japanese industry. If Japanese factories were constructed in the middle of residential neighborhoods, civilians would die.

To clarify this point, consider the British attacks against Hamburg and Dresden. The British Lancaster bombers did not experience the same problems the B-29s did. The Lancasters promised to be powerful planes, and actually could operate more optimally than other British aircraft.23 And, though there were military targets in these German cities that were obviously separated from residential areas, the RAF directed their raids directly against civilian areas— even though the AAF had demonstrated that precision raids were possible. So, when the RAF used incendiary bombs to attack German cities, they did not experience any of the problems LeMay did. Many of LeMay’s decisions to use incendiary bombs were tactically driven, rather than out of revenge for Pearl Harbor, as the British sought revenge for Coventry.

Despite the fact that incendiary bombing is indiscriminate, and therefore illegal, there is no evidence that LeMay knowingly created excess collateral damage during these missions, because there is no evidence he knew that less harmful versions of area bombing were available. It is tempting to imagine that LeMay could

have chosen other weapons, such as conventional high explosive bombs the AAF primarily used in Europe, in order to execute his new low altitude, light cargo method. The fact that the incendiary operations were successful when all other attempts had failed does not itself indicate that LeMay’s choices were the only ones available to meet his objectives.

However, due to the layout of Japanese industry, and the fact that no B-29 had hit a target over Japan as of January 1945, LeMay knew he had to switch tactics in order to find any success. There was no data available on any successful area attacks on Japan prior to March 9, 1945, but there was data available on the destruction incendiary weapons could cause in Japan thanks to the European incendiary bombing raids and the American investigation into incendiary bombing. So, while objectively excessive harm was created in regard to proportionality because LeMay used an indiscriminate weapon to eliminate his target, he did not know excessive harm would be created because he was assured this method was the only one that could achieve any military benefits in Japan via air power. So, LeMay did not knowingly use more force than was required to meet his objective.

(2) Insubstantial military benefits

LeMay did not knowingly violate the second principle of proportionality, because while he pursued misguided objectives as a result of the AAF’s goals, the fact remains that LeMay believed that the incendiary raids would yield huge benefits. He could not have foreseen that his prospective objectives would not be completely met. The second principle of proportionality states that an act is disproportionate if
there are no clear benefits that result from the act’s destruction, and/or the military benefits are less substantial because the target does not pose a direct threat to the war effort. Like the first principle of proportionality, LeMay objectively violated this principle. In reality, these missions’ objectives, to destroy the Japanese industrial capacity in order to save Allied lives in the event of a land invasion, and to break the will of the Japanese people, were not actually attained. However, at the time LeMay believed that this action was necessary to achieve any benefits at all, and was unable to perceive that the benefits fell short of what he was expected to accomplish.

LeMay and other AAF commanders truly believed that the incendiary raids yielded substantial military benefits. Despite the huge amount of “industrial” and other area destroyed by these raids, the targets did not actually yield the benefits the Americans hoped to achieve. While these raids did damage the Japanese economy, this did not occur to an extent that the land invasion would be any less of a calamity to American life.24 At the time, though, it appeared that these raids would certainly create military benefits. Both LeMay and Arnold were certain that the raids would save American lives by mitigating or preventing a land invasion of Japan, and Norstad believed the raids forced Japan’s “hour of decision:” thereby breaking the will of the Japanese people in order to hasten the end of the war.25 Additionally, these raids continued up until the Japanese surrender in August, indicating that the AAF believed this was a successful enough strategy to sustain routinely. So LeMay and other AAF leaders were oblivious to the possibility the military benefits they sought may not come to fruition.

24 Schaffer, Wings of Judgment, 137.
It only became clear after the war that this campaign’s benefits were insubstantial in comparison to the harm caused by the incendiary raids. One of the hypotheticals of Chapter Three demonstrated that it would only be acceptable to bomb a commercial factory with the intention of slowing the enemy’s productive capacities if the factory were used in a way that actively contributed to the enemy’s war effort and strength. As discussed previously, it is unclear whether the raids’ targets were always associated with a military benefit, such as producing war materiel or not. It may be that the industries destroyed were actually civilian objects, such as a coat factory, whose destruction would not pack the same punch that bombing a munitions factory would.

However, what the Americans bombed is less important than the fact that LeMay really did believe that the entire population was aiding in military production, and so may have believed that these other forms of industry were essential to Japanese supply lines. Additionally, the second principle of proportionality shows that bombing to create a negative effect on civilian morale can only provide a conditional benefit at the cost of targeting civilian objects. This campaign proves the rule. The incendiary bombing campaigns did not bring the Japanese population to a “breaking point,” so targeting civilian morale was for naught. However, plentiful evidence has already been presented that AAF leaders believed that it would.

LeMay’s intention was to complete his mission effectively. He did not knowingly pursue a mission whose harms exceeded its benefits. LeMay had a demonstrated reputation as a pragmatist: he demonstrated this aspect of his character in Europe, as well as with his quick assessment first of XX Bomber Command’s
problems, and then XXI Bomber Command’s in the Pacific. If he did not believe that a mission would yield the results he desired, he would not have pursued it. Prior to the raids, LeMay confided to Norstad that he did not believe that night-bombing missions were the most efficient bombing strategy. And, of course, the incendiary missions were night-bombing raids. He also told Norstad he believed it was better to land some bombs on the target than none at all. That is, this might not have been his first choice of tactic, but it was one he believed would meet his needs. LeMay would not have chosen this mission if he did not believe it would yield a positive effect.

Verdict

Curtis LeMay is not guilty of knowingly creating disproportional unnecessary suffering. Although at times AAF objectives were prioritized over military objectives, LeMay could not have predicted that the benefits would turn out to be smaller than the harms created. Although in reality excessive harm was created in regards to what was actually required to slow Japan’s industrial production, evaluated contextually, this mission appeared to be the least harmful method available at the time to meet the U.S. military’s objectives. And, although incendiary bombing is illegal, there is no evidence that LeMay knew that other, less harmful methods could accomplish a successful raid in Japan.

Next, it is an ex post facto judgment to note that LeMay’s missions did not actually meet all of his objectives. Although it is easy for a historian to see in

26 Hastings, Retribution, 286.
retrospect that the benefits did not substantiate the harms, it was not clear to LeMay at the time. And, despite the fact that the AAF prioritized its organizational goals at this point in the war, and LeMay did not always aim for true military objectives in order to eliminate a large surface area, AAF leaders truly did believe this was a beneficial method. Lastly, LeMay was a pragmatist who did not plan missions he did not believe would result in substantial benefits.

Necessity

If LeMay is guilty of knowingly creating unnecessary suffering by violating the principle of necessity, it must be demonstrated that LeMay knew there were alternatives to the incendiary bombing raids that would have achieved the same military objectives he sought through these raids: to devitalize Japanese industry and break the will of the Japanese people in order to save American lives in the event of a land invasion of Japan and to hasten the end of the war with Japan. Additionally, it must be proven that despite this knowledge, LeMay proceeded anyway. On top of these alternatives’ existence, it must also be demonstrated that in fact these alternatives would meet the same objectives LeMay sought, which were to significantly mitigate the effects of a land invasion of Japan and end the war quickly. In short, to demonstrate that LeMay violated all of the principles of necessity, one must meet a high burden of proof.
(1) Discrimination, proportionality, and targeting civilians

Before proceeding further, the first and fourth principle of necessity can be swiftly addressed. These two principles have previously been discussed in depth, because they overlap with the principles of discrimination and proportionality. The first principle states that any violation of discrimination or proportionality also violates the principle of necessity, because excess damage occurred that could have been avoided. So, this principle has already demonstrated that LeMay violated necessity via discrimination, though not by disproportionate action.

The fourth principle states that it is always illegal to aim for civilian targets, no matter how dire the military’s situation. However, this is clearly not what LeMay did, otherwise he would be accused of purposeful creation of unnecessary suffering, meaning the intent to cause harm to civilians with the goal of harming civilians. This was discussed under the second principle of discrimination.

(2) Similar benefits, different objectives

LeMay did not violate the second principle of necessity, because it cannot be demonstrated that alternative, less harmful actions were available for LeMay to pursue instead of incendiary bombing, much less that LeMay knew about them — despite the fact it has been proven that incendiary bombs are illegal. The second principle of necessity states that an action is illegal if the same prospective benefits, or equivalent benefits, could have realistically been achieved by targeting a different objective with less destruction.
It is easy to fall into the trap of thinking that LeMay decided between either precision attacks, or large-scale urban area attacks. However, LeMay continued to pursue precision raids in addition to the fire raids throughout the spring and summer of 1945.\(^{28}\) This mirrors one of the scenarios in Chapter Three. Sometimes, the choice of a particular course of action is not the choice between one option or another less harmful option. At times, two strategies must be pursued, even if one action is decidedly less harmful than the other. Recall the hypothetical in which a remote headquarters \textit{and} telephone lines in civilian areas had to be destroyed because auxiliary headquarters could easily resume enemy communication, the hypothetical military’s objective.

The second principle of necessity also explains that sometimes pursuing a completely different objective than originally planned can attain the same preferred military advantage in a less harmful way. The example provided in Chapter Three is that if one needs to destroy enemy communication lines in a particular area, then the only choices available to achieve this advantage might be to destroy targets that directly affect communication. However, if one aimed to destroy the enemy’s communication lines in order to stall the enemy so that one’s army can stage an assault, there could be more flexible courses of action.

One suggestion that echoes this scenario is the speculation that B-29 support of Nimitz’ naval blockade, by bombing Japanese inshore waters, might have been a reasonable alternative to LeMay’s fire raids.\(^{29}\) This is a tempting line of reasoning to pursue, because it fits nicely into the narrative that LeMay created unnecessary

\(^{28}\) Schaffer, \textit{Wings of Judgment}, 125.
suffering by prioritizing the AAF’s goals over the U.S. military’s goals: a major reason LeMay avoided supporting Nimitz was because of the AAF’s organizational goals, and Arnold’s insistence on proving the value of strategic air power.

While there is solid evidence that Arnold was clear that neither Nimitz nor MacArthur should take control of the B-29s, there is no evidence that LeMay recognized the naval blockade as a serious alternative to the incendiary bombing raids, and furthermore pursued the fire raids to demonstrate the might of strategic air power despite this recognition. Additionally, even if this evidence existed, it is unconvincing that the naval blockade would have met the military goals of shortening the war or breaking the will of the civilian population. Even if it is true that the blockade had brought Japan to the “brink” of economic collapse prior to the first incendiary raids, this cannot in itself show that the force of additional B-29s at Nimitz’ disposal would have necessarily destroyed the Japanese economy enough to prevent serious casualties if a land invasion occurred.

One might argue that the small number of B-29s LeMay loaned to the blockade caused a significant amount of damage to the Japanese commercial fleet. Therefore, one could estimate that had the B-29s provided an even larger contribution, combined with the strength of Nimitz’ submarines, they could have delivered defeat to Japanese industry. But this observation, too, leaves room for doubt. It would be more convincing if defenders of this contention could produce statistics that firmly demonstrated that a quantifiable percentage of Japanese industry needed to be destroyed to prevent the serious casualties Operation Olympic ensured, and then demonstrate that the B-29s’ contribution to the blockade could have caused

30 Ibid., 279-80.
a significant, and identifiable, percentage of this destruction. However, in lieu of such statistics, or a document in which LeMay discusses the virtues of supporting the naval blockade versus pursuing the fire raids, this argument has no legal basis.

(3) Potential failure or drastic losses

The third principle of necessity suggests that the incendiary bombing missions in Japan were not as paramount to the war effort as leaders in the AAF believed them to be. The third principle of necessity affirms that the requirements of necessity are met — short of actively targeting the civilian population or using an illegal weapon — if the alternative to passing up the action’s prospective military advantage will drastically hinder the war effort or result in failure. For example, suppose the enemy has converted civilian factories into military production plants to produce a particularly lethal weapon that promises the demise of one’s own forces. Chapter Three describes that area bombing, which would typically be an excessively harmful method when alternatives such as ground tactics or precision bombing are available, is acceptable in this scenario if less harmful tactics have been attempted and failed, or are simply unviable.

This hypothetical from Chapter Three should sound familiar: at the time of the incendiary bombings, LeMay felt assured that foregoing the firebombing campaigns would drastically hinder the American war effort. Despite the sheer amount of life this campaign would cost, he thought if he did not follow through, nearly a million Americans could lose their lives in a land invasion.\textsuperscript{31} It has been shown by now that this perception was untrue. In the end the bombers neither would have prevented

\textsuperscript{31} Toland, \textit{The Rising Sun}, 673.
serious casualties in the event of a land invasion nor brought the Japanese people to their breaking point. And, it is again tempting to imagine LeMay only pursued this action because avoiding the fire raids would have hindered the B-29 program, rather than the military campaign at large — but this is not what the facts show.

The facts show that LeMay did not knowingly pursue an illegal course of action that was not required to maintain the Allied war effort. The Allies would certainly win, but the Japanese would not quit. If a land invasion would not begin until November 1945, then a war could stretch on for years. And the Japanese were adept at draining American resources and claiming American lives. Additionally, when the incendiary missions began, Allied leaders planned on a land invasion — MacArthur’s staff continued to plot the logistics of Olympic until the Japanese surrender. The pressure to mitigate the effects of a land invasion appeared critical, and it has been demonstrated that LeMay understood this.

Additionally, less harmful methods had been attempted prior the incendiary missions, or were simply impossible. At the time of the first incendiary missions, Marines were barely halfway through their struggle to claim Iwo Jima. That is, the Battle of Okinawa existed only in the future, and so for now, the AAF was the sole division of the military within striking range of Japan. And Hansell, prior to LeMay’s ascension to direct XXI Bomber Command, and then LeMay himself, had attempted less harmful bombing campaigns prior to March 1945, which had largely failed. From LeMay’s perspective at the time, despite what is apparent in retrospect, the requirements of the third principle of necessity were completely met.
Verdict

Curtis LeMay is guilty of knowingly creating unnecessary suffering by violating the principle of necessity, only because he used an indiscriminate weapon, which violates the first principle of necessity. The other principles of necessity, however, cannot prove his guilt. In terms of the second principle, there is no evidence that less harmful alternatives were available to LeMay, or that he knew of any that existed. This is demonstrated in part by the fact that he pursued precision raids alongside incendiary raids, because it shows that a less harmful method was not meeting the AAF’s objectives by itself. This is also demonstrated by the fact that alternative options to defeat Japanese industry and break Japanese morale are purely speculative, and there is no evidence LeMay actively considered these.

In terms of the third principle, while it is clear in hindsight that the incendiary bombings did not need to happen in order to maintain the Allied war effort, and it is clear that the raids were partially pursued to support the AAF’s organizational goals, LeMay actively believed that this raid would save American lives, and hasten the end of the war. So, LeMay is guilty of knowingly violating the principle of necessity, but not because he knowingly acknowledged that these raids were unnecessary to win the war against Japan.

4. Conclusion: The Judgment

Trying General Curtis LeMay for the crime of knowingly creating unnecessary suffering articulates exactly why historians have approached the incendiary bombing of Japan with extraordinary apprehension. Their opinions on the
subject appear inconsistent: on the one hand denouncing LeMay for killing hundreds of thousands of Japanese civilians, on the other justifying his actions by the late war pressures the Americans experienced. Historians have not been incorrect to approach this subject with a bit of a divided view, but they have erred in failing to acknowledge that this historical moment was by nature replete with contradiction: LeMay did not need to carry out the incendiary raids against Japan, however at the time this was unclear.

Curtis LeMay is guilty of knowingly creating unnecessary suffering for the Japanese people because he implemented an indiscriminate and illegal weapon. However, late war pressures did justify many of his actions for the reason he believed that he was pursuing legitimate military benefits that would meet the objectives to destroy the Japanese economy and save American lives in the long run.

All of this is to say that what is wrong is not always illegal, and what is illegal is not always evil. Many of LeMay’s actions were designed to support the AAF’s goals to demonstrate the necessity of an independent air arm and the value of strategic air power. This led to knowingly failing to discriminate between civilian objects and military objectives when choosing targets and target areas. However, many of his actions were also designed to simply meet military objectives. The choice to use incendiary weapons was a result of an escalation in bombing strategy as a result of late war pressures. In this case, this was illegal, because although this escalation was justified to war leaders by late war pressures, it was clear this weapon was uncontrollable and unnecessarily dangerous to civilians.
However, LeMay was not more powerfully motivated by the pursuit of the AAF’s aspirations than his desire to meet military objectives. This is why he cannot be considered guilty of knowingly creating unnecessary suffering through disproportionality, because he did not know that his actions would be disproportionate and believed that they were necessary regardless of proving the efficacy of the B-29s. There is evidence, however, that he believed that this action would justify itself by creating military benefits that would hasten the end of the war. Only in retrospect could this campaign rightly be described as disproportional.

This is also a similar reason why, while he is guilty of violating the principle of necessity, LeMay did not knowingly transgress every principle of necessity. Although of course he does violate this principle because he knowingly violated the principle of discrimination, he truly believed that foregoing this action could hinder the war effort. And, there is simply insufficient evidence to say that there were other legitimate alternatives that LeMay knew about and could have attempted. It is understandable that historians have searched for less harmful alternatives than the firebombing missions in order to make sense of what was a devastating event for human life in Japan. However, these speculative alternative histories can only exist in imagination. LeMay can only be judged on the facts that actually exist.

Curtis LeMay is guilty of knowingly creating unnecessary suffering for the Japanese people by using an inherently indiscriminate weapon. Incendiary bombs are an abhorrent weapon — arguably more destructive than the atomic bombs, though that is a story for a different day — that stole the lives of hundreds of thousands of Japanese people in unimaginable, unfathomable ways. However, the reason why this
is wrong can be legally articulated. Incendiary bombing is not illegal because we can simply assign a label to it such as “evil” or “immoral.” These judgments have no basis in logic, only in emotion. However, the law of unnecessary suffering creates a framework that can vindicate our emotions.

Incendiary bombing is wrong because it cannot be controlled and therefore soldiers cannot limit its effects on the civilian population no matter how hard they try. It is important to think of what is right and wrong in war in this way, because emotions are subjective and therefore volatile and subject to change. However, if people’s rights, such as civilians’ rights to life, are codified in an actionable ways, then their rights can be protected in every situation; not just the ones people choose to react to, or that are convenient for people to react to. While today many people recoil from Dresden and the fire bombings in Japan equally, in 1945 this was not the case.

Additionally, the incendiary bombing of Japan was wrong, because it was a disproportionate and unnecessary for reasons besides weapon choice. Yet, the campaign is not illegal for these reasons. This illustrates the complexity of decision-making in difficult times. It is easy in retrospect to entirely condemn the incendiary bombing of Japan. However in 1945, Curtis LeMay did not have the luxury to wax philosophical on the morality of his actions. After the war, LeMay recalled that while it was difficult to cope with thoughts of the airmen he lost, and the civilians who burned, he could not “worry about the morality of what we were doing — Nuts. A soldier has to fight. We fought. If we accomplished the job in any given battle without exterminating too many of our own folks, we considered that we’d had a
pretty good day." After the war he also recalled that all war is immoral, and good soldiers must not falter despite this knowledge. Though he is likely right, soldiers’ actions must still be limited.

Afterword

The puzzle that initiated this entire analysis — the tension between military necessity and unjustifiable civilian deaths as it relates to this military action — has been resolved. Part of the reason it is difficult to draw a firm moral conclusion about this event is because LeMay’s actions squarely occupy a moral grey area. However, at least now, it can be articulated exactly why this action is morally ambiguous. It can also be confirmed whether LeMay’s actions were right or wrong, and which of his actions should have been limited.

This highlights the significance of using a comprehensive set of principles to protect civilian life in war: despite the complexity that inherently accompanies acts of war, one can still conclusively judge the conduct of war as long as human rights and morality are codified into actionable principles. When one views military necessity from this more complete perspective, and considers all of the ways a soldier, a commander, or a military may cause unnecessary suffering to a civilian population, clearly LeMay’s actions are illegal and unjustifiable. The use of incendiary weapons is illegal, and inherently creates unjustifiable civilian deaths. This is despite the fact this action was defensibly necessary given the context of late-war pressures in the Pacific. In other words, the fact that a military action is ambiguous, challenging, or uncomfortable should not persuadе anyone to dismiss or forgive unjustifiable actions.
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